

## **BILL ANALYSIS**

H.B. 3156  
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Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that an area of land in a municipality's extraterritorial jurisdiction (ETJ) may be more similar in character to a neighboring municipality than the municipality in whose ETJ the area is located. The parties contend that in certain cases, such as an area in the ETJ of Austin that extends into Hays County, the area should be transferred to the ETJ of the more similar municipality. H.B. 3156 seeks to address this issue by providing for the transfer of area in an ETJ between certain municipalities under certain conditions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 3156 amends the Local Government Code to set out provisions relating to the transfer of extraterritorial jurisdiction between an accepting municipality and a releasing municipality. The bill defines "accepting municipality" as a Type A general-law municipality with a population of less than 4,000 located in a county adjacent to a county in which a releasing municipality is primarily located. The bill defines "releasing municipality" as a home-rule municipality with a population of more than 750,000 and less than one million. The bill authorizes the governing body of an accepting municipality by resolution or ordinance to include in the accepting municipality's extraterritorial jurisdiction and exclude from the releasing municipality's extraterritorial jurisdiction, without the releasing municipality's consent, an area that is in the extraterritorial jurisdiction of the releasing municipality if the area is not, as of September 30, 2016, identified for annexation by the releasing municipality in the releasing municipality's annexation plan and is contiguous to the accepting municipality's corporate limits or extraterritorial jurisdiction as of the effective date of the resolution or ordinance. The bill caps the total area that may be transferred from a releasing municipality's extraterritorial jurisdiction to an accepting municipality's extraterritorial jurisdiction at the area contained in the corporate limits of the accepting municipality as of the date of the transfer.

H.B. 3156 authorizes an accepting municipality that has adopted an applicable resolution or ordinance to annex, in the manner provided by the statutory annexation procedure for an area annexed under a municipal annexation plan, any territory located in the accepting municipality's extraterritorial jurisdiction before January 1, 2017, and any area transferred to the accepting municipality's extraterritorial jurisdiction under the bill's provisions. The bill provides for the identification of an area to be transferred under the bill's provisions, publication of a copy of the

resolution or ordinance adopted by the accepting municipality, and the effective date of the transfer of extraterritorial jurisdiction. The bill's provisions control to the extent of any conflict with a provision of a home-rule charter or any other provision of the Local Government Code. The bill restricts the challenge of a resolution or ordinance adopted under the bill's provisions and the relevant extraterritorial jurisdiction determination provisions to a quo warranto proceeding initiated by the attorney general. The bill expires December 31, 2023.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.