

BILL ANALYSIS

Senate Research Center
77R8258 MRB-D

H.B. 1264
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Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

Traditionally, a municipality would not be allowed to annex territory within the extraterritorial jurisdiction (ETJ) or city limits of another municipality. A Texas Supreme Court ruling determined that if another municipality does not protest within two years after a municipality annexes part of its ETJ, then consent is presumed. As a result of this ruling, a municipality must check the agendas or ordinances of surrounding municipalities at least every two years to avoid the potential loss of control of any of its ETJ or areas within its city limits. As proposed, H.B. 1264 provides that a municipality's failure to protest within two years after another municipality has annexed part of the other municipality's area does not indicate the presumed consent of the annexed municipality.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.901, Local Government Code, to provide that a municipal ordinance defining boundaries of or annexing area to a municipality is conclusively presumed to have been adopted with the consent of all appropriate persons, except another municipality, under certain conditions.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.