

By: Laubenberg

H.B. No. 3539

A BILL TO BE ENTITLED

AN ACT

relating to the extent of extraterritorial jurisdiction of certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.021, Local Government Code, is amended to read as follows:

Sec. 42.021. EXTENT OF EXTRATERRITORIAL JURISDICTION. (a) Except as provided by Subsection (b), the ~~[The]~~ extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:

(1) within one-half mile of those boundaries, in the case of a municipality with fewer than 5,000 inhabitants;

(2) within one mile of those boundaries, in the case of a municipality with 5,000 to 24,999 inhabitants;

(3) within two miles of those boundaries, in the case of a municipality with 25,000 to 49,999 inhabitants;

(4) within 3 1/2 miles of those boundaries, in the case of a municipality with 50,000 to 99,999 inhabitants; or

(5) within five miles of those boundaries, in the case of a municipality with 100,000 or more inhabitants.

(b) The extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located within one mile

1 of those boundaries if the municipality:

2 (1) has a population of more than 2,000 and less than
3 25,000; and

4 (2) is located in whole or in part in:

5 (A) a county with a population of one million or
6 more; or

7 (B) a county adjacent to a county with a
8 population of one million or more.

9 SECTION 2. Subchapter Z, Chapter 42, Local Government Code,
10 is amended by adding Section 42.9011 to read as follows:

11 Sec. 42.9011. APPORTIONMENT OF EXTRATERRITORIAL
12 JURISDICTIONS OF CERTAIN MUNICIPALITIES THAT OVERLAPPED ON
13 SEPTEMBER 1, 2003. (a) If, on September 1, 2003, the expanded
14 extraterritorial jurisdiction that a municipality received under
15 Section 42.021(b) overlapped the expanded extraterritorial
16 jurisdiction that one or more other municipalities received on that
17 date under Section 42.021(b), the governing bodies of the affected
18 municipalities may apportion the overlapped area in the same manner
19 as provided by Section 42.901.

20 (b) The expansion of the extraterritorial jurisdiction of a
21 municipality under Section 42.021(b) may not include any area in
22 the existing extraterritorial jurisdiction of another
23 municipality.

24 (c) In applying Section 42.901(c) for purposes of this
25 section, the date of September 1, 2003, is substituted for August
26 23, 1963.

27 SECTION 3. This Act takes effect September 1, 2003.