

BILL ANALYSIS

C.S.H.B. 722
By: Guillen
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there are ten counties without an incorporated municipality. These rural counties, for the most part, are sparsely populated. Some are located along the border and many are within the state-defined, border region. County governments currently provide all basic governmental services to the residents of these counties.

Many of these counties have one community with sufficient population and development to justify incorporation. However, to do so, would result in the creation of another layer of government, the duplication of county services, the employment of new municipal personnel and the conducting of elections to fill public offices, all with additional costs to taxpayers. On the other hand, a community's failure to incorporate and assume the powers of a general-law municipality leaves the populated community and the county, vulnerable to colonia proliferation. Because of their proximity to the Texas border with Mexico, or to populated communities, over 250 new colonias have erupted along the border region in spite of the legislature's response in recent sessions to provide counties with authority to address the growth in the number of colonias.

This bill creates a new form of rural/metropolitan government, a countywide unit of government without creating an additional layer of government and without the additional cost to the rural taxpayer.

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

C.S.H.B. 722 Amends Subchapter B, Chapter 81, Local Government Code by adding Sec. 81.033.

This bill grants powers to a commissioners court in a county, located along an international border, with no incorporated territory in a municipality and a population greater than 7,500. Such powers include all the powers of a governing body of a Type A general-law municipality with exceptions relating to regulation of activity outside the county, agricultural or open-space land, and procedural issues. This bill provides for an election that requires voter approval for grant of such powers. The bill also provides for expiration of such powers should any territory within the county become incorporated. Also, this bill requires a commissioners court to call an election of repeal of an order granted under this section on receipt of petition signed by 10% of county's registered voters.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

1. C.H.S.B 722 modifies the original by adding new language requiring the county have a population of more than 7,500 and be located on an international boundary to Sec. 81.033 (a).
2. The substitute adds language requiring voter approval at an election held for that purpose to Sec. 81.033(b).

3. The substitute differs from the original by adding the following new language Sec. 81.033(b)(2) excepting the commissioners court from regulating land appraised as agricultural or open-space land and renumbering original Section 81.033(b)(2) to Section 81.033(b)(3).
4. The substitute differs from the original by adding the following new language to Section 81.033(c), allowing for an election under this section and preparing the ballot to permit voting for or against the proposition. The substitute differs from the original by renumbering original Section 81.033(c) to Section 81.033(e).
5. The substitute adds Section 81.033(d), allowing that if a majority of the votes cast at the election favor the proposition, the commissioners court has the powers described in subsection (b).
6. The substitute adds Section 81.033(f), requiring the commissioners court to call an election on the repeal of an order or ordinance authorized by this section on the first uniform election date that occurs after the 90th day after the date the petition is filed on the receipt of a petition signed by at least 10 percent of the county's registered voters. The order or ordinance is repealed if a majority of the votes cast at the election favor repeal. A petition requiring an election under this subsection may not be filed sooner than the 5th anniversary of the date of the election held under this subsection.