

By: Guillen

H.B. No. 722

A BILL TO BE ENTITLED

AN ACT

relating to the powers of the commissioners court in a county that has no incorporated municipality.

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

SECTION 1. Subchapter B, Chapter 81, Local Government Code, is amended by adding Section 81.033 to read as follows:

Sec. 81.033. POWER OF COMMISSIONERS COURT IN COUNTY WITH NO INCORPORATED TERRITORY. (a) This section applies only to a commissioners court of a county that contains no incorporated territory of a municipality.

(b) The commissioners court has, in addition to the powers given to it under this code or other law, all the powers of the governing body of a Type A general-law municipality, including the powers contained in Subtitle A, Title 7, except that:

(1) the commissioners court may not regulate an activity outside the county; and

(2) if this code or other law provides for a procedure by which a county exercises a power, the commissioners court must use that procedure.

(c) If territory of the county becomes incorporated in a municipality:

(1) in the area outside the municipality and outside the municipality's extraterritorial jurisdiction, the authority of the commissioners court to exercise a power under this section:

1 (A) expires, on the date of the incorporation,
2 with regard to a subject on which the court has not previously acted
3 under this section; and

4 (B) continues with regard to a subject on which
5 the court has previously acted under this section; and

6 (2) in the area in the municipality or in the
7 extraterritorial jurisdiction of the municipality, the authority
8 of the commissioners court to exercise a power under this section
9 expires on the 180th day after the date of the municipal
10 incorporation.

11 SECTION 2. This Act takes effect September 1, 2003.