

1-1 By: Guillen, et al. (Senate Sponsor - Zaffirini) H.B. No. 722
1-2 (In the Senate - Received from the House May 7, 2003;
1-3 May 9, 2003, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 20, 2003, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 20, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the powers of the commissioners court in certain
1-9 counties that have no incorporated municipality.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter B, Chapter 81, Local Government Code,
1-12 is amended by adding Section 81.033 to read as follows:

1-13 Sec. 81.033. POWER OF COMMISSIONERS COURT IN COUNTY WITH NO
1-14 INCORPORATED TERRITORY. (a) This section applies only to a
1-15 commissioners court of a county that has a population of more than
1-16 7,500, is located on an international boundary, and contains no
1-17 incorporated territory of a municipality.

1-18 (b) If approved at an election held in the county for that
1-19 purpose, the commissioners court has, in addition to the powers
1-20 given to it under this code or other law, all the powers of the
1-21 governing body of a Type A general-law municipality, including the
1-22 powers contained in Subtitle A, Title 7, except that:

1-23 (1) the commissioners court may not regulate an
1-24 activity outside the county;

1-25 (2) the commissioners court may not regulate a tract
1-26 of land that is appraised as agricultural or open-space land by the
1-27 appraisal district;

1-28 (3) the commissioners court may not exercise the
1-29 powers of a municipality under Chapter 211 or 213; and

1-30 (4) if this code or other law provides for a procedure
1-31 by which a county exercises a power, the commissioners court must
1-32 use that procedure.

1-33 (c) For an election under this section, the ballot shall be
1-34 prepared to permit voting for or against the proposition: "Granting
1-35 (name of county) County the authority to enact ordinances in the
1-36 same manner as a general-law municipality."

1-37 (d) If a majority of the votes cast at the election favor
1-38 the proposition, the commissioners court has the powers described
1-39 by Subsection (b).

1-40 (e) If territory of the county becomes incorporated in a
1-41 municipality:

1-42 (1) in the area outside the municipality and outside
1-43 the municipality's extraterritorial jurisdiction, the authority of
1-44 the commissioners court to exercise a power under this section:

1-45 (A) expires, on the date of the incorporation,
1-46 with regard to a subject on which the court has not previously acted
1-47 under this section; and

1-48 (B) continues with regard to a subject on which
1-49 the court has previously acted under this section; and

1-50 (2) in the area in the municipality or in the
1-51 extraterritorial jurisdiction of the municipality, the authority
1-52 of the commissioners court to exercise a power under this section
1-53 expires on the 180th day after the date of the municipal
1-54 incorporation.

1-55 (f) On receipt of a petition signed by at least 10 percent of
1-56 the county's registered voters, the commissioners court shall call
1-57 an election on the repeal of an order or ordinance authorized by
1-58 this section on the first uniform election date that occurs after
1-59 the 90th day after the date the petition is filed. The order or
1-60 ordinance is repealed if a majority of the votes cast at the
1-61 election favor repeal. A petition requiring an election under this
1-62 subsection may not be filed sooner than the fifth anniversary of the
1-63 date of an election held under this subsection.

1-64 SECTION 2. This Act takes effect September 1, 2003.

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