

BILL ANALYSIS

C.S.H.B. 585
By: Corte
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a municipality may not incorporate in the extraterritorial jurisdiction (ETJ) of another municipality without the consent of the existing municipality unless a petition requesting annexation, signed by a majority of the registered voters in the district and by at least 50 percent of the landowners, is refused by the municipality.

The purpose of C.S.H.B. 585 is to make the petition requirements for the incorporation of a municipality in the ETJ of an existing municipality less stringent than current law requires.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, agency, or institution.

ANALYSIS

SECTION 1. *Amends the heading of Section 42.041, Local Government Code.*

SECTION 2. *Amends Subchapter C, Chapter 42, Local Government Code, by adding Section 42.0411, as follows:*

Section applicable only to areas in the ETJ of certain larger municipalities who have refused to give the area its consent to incorporate.

Authorizes the residents in the ETJ of certain municipalities who are refused by that municipality to incorporate as a separate municipality, to incorporate under the following conditions:

Filing a written petition signed by 10 percent of the registered voters in the area proposed to be incorporated with the county judge; and,

A majority of the voters approve the incorporation.

SECTION 3. Effective Date.

EFFECTIVE DATE

Effective date is September 1, 2005 or immediately if approved by two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. The Original does not change the heading of Section 42.041, Local Government Code, while the Substitute does.

The language from the Original is moved to SECTION 2 of the Substitute.

SECTION 2. The Original has state-wide impact while the Substitute is bracketed to certain larger counties.