

BILL ANALYSIS

Senate Research Center
79R17274 PAM-D

C.S.H.B. 585
By: Corte (Wentworth)
Intergovernmental Relations
5/14/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

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.

C.S.H.B. 585 would permit residents of an ETJ to file with the county judge, of the county in which the proposed municipality is located, a written petition signed by at least 10 percent of the registered voters of the area to order an incorporation election. The election would be held under the same process as is used for a municipality under Chapter 8, Local Government Code. This bill, bracketed to the ETJ areas of the City of San Antonio (city), addresses communities that are not included in the city's annexation plan, specifically, the Timberwood Park community. Residents of Timberwood Park support this bill.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 42.041, Local Government Code, to read as follows:

Sec. 42.041. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL JURISDICTION GENERALLY.

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

Sec. 42.0411. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL JURISDICTION OF CERTAIN MUNICIPALITIES. (a) Specifies that this section applies only to a certain area.

(b) Authorizes the residents of the area described by Subsection (a) to initiate an attempt to incorporate as a municipality by filing a written petition signed by at least 10 percent of the registered voters of the area of the proposed municipality with the county judge of the county in which the proposed municipality is located. Requires the petition to request the county judge to order an election to determine whether the area of the proposed municipality will incorporate. Requires an incorporation election under this section to be conducted in the same manner as an incorporation election under Subchapter A, Chapter 8. Provides that the consent of the municipality that previously refused to give consent is not required for the incorporation.

(c) Defines "deferred annexation area." Prohibits a certain area from being annexed for limited or full purposes during the period provided under a certain agreement. Authorizes the residents of the area, during the period provided under that agreement, to incorporate in accordance with the incorporation proceedings

provided by law, except that the consent of the municipality is not required for the incorporation.

(d) Provides that this subsection applies only to a certain area. Authorizes the residents of that area, and certain other areas, to incorporate in accordance with the incorporation proceedings provided by law, except that the consent of the municipality is not required for the incorporation.

SECTION 3. Effective date: upon passage or September 1, 2005.