

By: Corte

H.B. No. 585

Substitute the following for H.B. No. 585:

By: Mowery

C.S.H.B. No. 585

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the requirements for the incorporation of a
3 municipality in the extraterritorial jurisdiction of certain
4 existing municipalities.

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

6 SECTION 1. The heading to Section 42.041, Local Government
7 Code, is amended to read as follows:

8 Sec. 42.041. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL
9 JURISDICTION GENERALLY.

10 SECTION 2. Subchapter C, Chapter 42, Local Government Code,
11 is amended by adding Section 42.0411 to read as follows:

12 Sec. 42.0411. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL
13 JURISDICTION OF CERTAIN MUNICIPALITIES. (a) This section applies
14 only to an area:

15 (1) that is included in the extraterritorial
16 jurisdiction of an existing municipality with a population of one
17 million or more that has operated under a three-year annexation
18 plan similar to the municipal annexation plan described by Section
19 43.052 for at least 10 years;

20 (2) that has not been included in the existing
21 municipality's annexation plan before the 180th day before the date
22 consent for incorporation is requested under Section 42.041(a); and

23 (3) for which the existing municipality refused to
24 give its consent to incorporation under Section 42.041(a).

1 (b) The residents of the area of the proposed municipality
2 may initiate an attempt to incorporate by filing a written petition
3 signed by at least 10 percent of the registered voters of the area
4 of the proposed municipality with the county judge of the county in
5 which the proposed municipality is located. The petition must
6 request the county judge to order an election to determine whether
7 the area of the proposed municipality will incorporate. An
8 incorporation election under this section shall be conducted in the
9 same manner as an incorporation election under Subchapter A,
10 Chapter 8.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2005.