

1-1 By: Corte (Senate Sponsor - Wentworth) H.B. No. 585
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 16, 2005, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; May 16, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 585 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the requirements for the incorporation of a
1-11 municipality in the extraterritorial jurisdiction of certain
1-12 existing municipalities.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. The heading to Section 42.041, Local Government
1-15 Code, is amended to read as follows:

1-16 Sec. 42.041. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL
1-17 JURISDICTION GENERALLY.

1-18 SECTION 2. Subchapter C, Chapter 42, Local Government Code,
1-19 is amended by adding Section 42.0411 to read as follows:

1-20 Sec. 42.0411. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL
1-21 JURISDICTION OF CERTAIN MUNICIPALITIES. (a) This section applies
1-22 only to an area:

1-23 (1) that is included in the extraterritorial
1-24 jurisdiction, or the limited-purpose annexation area, of a
1-25 municipality with a population of one million or more that has
1-26 operated under a three-year annexation plan similar to the
1-27 municipal annexation plan described by Section 43.052 for at least
1-28 10 years;

1-29 (2) that has not been included in the municipality's
1-30 annexation plan described by Section 43.052 before the 180th day
1-31 before the date consent for incorporation is requested under
1-32 Section 42.041(a); and

1-33 (3) for which the municipality refused to give its
1-34 consent to incorporation under Section 42.041(a).

1-35 (b) The residents of the area described by Subsection (a)
1-36 may initiate an attempt to incorporate as a municipality by filing a
1-37 written petition signed by at least 10 percent of the registered
1-38 voters of the area of the proposed municipality with the county
1-39 judge of the county in which the proposed municipality is located.
1-40 The petition must request the county judge to order an election to
1-41 determine whether the area of the proposed municipality will
1-42 incorporate. An incorporation election under this section shall be
1-43 conducted in the same manner as an incorporation election under
1-44 Subchapter A, Chapter 8. The consent of the municipality that
1-45 previously refused to give consent is not required for the
1-46 incorporation.

1-47 (c) In this subsection, "deferred annexation area" means an
1-48 area that has entered into an agreement with a municipality under
1-49 which the municipality defers annexation of the area for at least 10
1-50 years. An area described by Subsection (a)(1) that is located within
1-51 1-1/2 miles of a municipality's deferred annexation area or
1-52 adjacent to the corporate boundaries of the municipality may not be
1-53 annexed for limited or full purposes during the period provided
1-54 under the agreement. During the period provided under the
1-55 agreement, the residents of the area may incorporate in accordance
1-56 with the incorporation proceedings provided by law, except that the
1-57 consent of the municipality is not required for the incorporation.

1-58 (d) This subsection applies only to an area that is
1-59 described by Subsection (a)(1) and removed from a municipality's
1-60 annexation plan under Section 43.052(e) two times or more. The
1-61 residents of the area and any adjacent territory that is located
1-62 within the extraterritorial jurisdiction of the municipality or
1-63 located within an area annexed for limited purposes by the

2-1 municipality and that is adjacent to the corporate boundaries of
2-2 the municipality may incorporate in accordance with the
2-3 incorporation proceedings provided by law, except that the consent
2-4 of the municipality is not required for the incorporation.

2-5 SECTION 3. This Act takes effect immediately if it receives
2-6 a vote of two-thirds of all the members elected to each house, as
2-7 provided by Section 39, Article III, Texas Constitution. If this
2-8 Act does not receive the vote necessary for immediate effect, this
2-9 Act takes effect September 1, 2005.

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