

BILL ANALYSIS

H.B. 2840
By: S. King
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Procedures for dissolving an incorporated general-law municipality in Chapter 62 of the Local Government Code allow for a mayor of the municipality to order an election on the question of abolishing the municipality's corporate existence if a petition requesting that election to be held is signed by qualified voters and submitted to the mayor. The law provides that the petition must be signed by at least 400 qualified voters of the municipality. If there are fewer than 400 qualified voters, and the municipality has no debt and does not provide services that would be otherwise provided by the county, the law provides the petition must be signed by at least 50 qualified voters in the municipality.

Some cities have fewer than 50 qualified voters and have no legal way to abolish the municipality's corporate existence. This bill will provide a process for the petition portion of the process by an incorporated city with fewer than 400 qualified voters by requiring one-fourth of the qualified voters in the city, instead of 50, sign the petition seeking an election on the question of dissolution. This permits a process for cities with fewer than 50 qualified voters to petition the mayor for an election.

The city would still be required to hold an election after receiving the petition in order to abolish the municipality.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly delegate any additional rulemaking authority to a State officer, department, agency, or institution.

SECTION-BY-SECTION ANALYSIS

The bill amends Section 62.002, Local Government Code, by striking 50 and requiring one-fourth of qualified voters to sign a petition seeking an election for the abolition of an incorporated city, and only if there are fewer than 400 qualified voters in the city and the city has no debt and does not provide services that would be otherwise provided by the county.

The Act takes immediate effect if it receives a two-thirds vote in each house. If it does not receive a two-thirds vote the bill takes effect on September 1, 2007.

EFFECTIVE DATE

September 1, 2007.