

By: Brown

H.B. No. 3686

A BILL TO BE ENTITLED

AN ACT

relating to allowing certain identifiable communities in the extraterritorial jurisdiction of a municipality to incorporate.

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

SECTION 1. Section 42.041, Local Government Code, is amended by amending Subsection (a) and adding Subsections (f) and (g) to read as follows:

(a) Except as provided by Subsection (f), a ~~A~~ municipality may not be incorporated in the extraterritorial jurisdiction of an existing municipality unless the governing body of the existing municipality gives its written consent by ordinance or resolution.

(f) Subsection (a) does not apply to an identifiable community located in the extraterritorial jurisdiction of a home-rule municipality that is a major municipality in the county. In this subsection, "identifiable community" means a community that:

(1) has had a United States post office for at least one hundred years,

(2) has a unique United States Zip Code;

(3) has been an identifiable community in the federal decennial censuses, on maps issued by the state and federal governments, or by land plats filed in the office of county clerk

(4) has at least one community service provider or utility service provider publicly identified with the community, including

1 but not limited to:

2 a. a water supply

3 b. a waste water provider

4 c. a fire department

5 d. an independent school district

6 e. a library or museum

7 f. a community center

8 g. a cemetery

9 h. a fraternal organization

10 (g) In Subsection (f):

11 (1) "home-rule municipality" with a population of less than  
12 185,000; and

13 (2) in which two or more municipalities with a population of  
14 more than 65,000 are wholly located

15 (3) a major municipality in the county has a population of  
16 more than 65,000

17 SECTION 2. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2011.