

By: Larson

H.J.R. No. 44

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow the voters of certain
2 counties to adopt a charter that restructures and empowers the
3 county government and that may allow the integration of the county
4 government with certain other political subdivisions located
5 wholly or partly in the county.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Article III, Texas Constitution, is amended by
8 adding Section 64A to read as follows:

9 Sec. 64A. (a) A county with a population of 100,000 or more,
10 or a county that is included in a federal metropolitan statistical
11 area and that is adjacent to a county with a population of 100,000
12 or more, may adopt a county charter. The county charter may
13 integrate the county government with other local political
14 subdivisions allowed under this section.

15 (b) The charter may:

16 (1) provide for the title, qualifications, term of
17 office, powers, or duties of an office of chief elected official
18 that replaces the office of county judge;

19 (2) provide for the structure, number of members,
20 qualifications, terms of office, powers, duties, or other features
21 of a governing body that replaces the commissioners court;

22 (3) modify the powers, duties, or functions of a
23 county official that is established by another section of this
24 constitution, if the charter otherwise continues all of the

1 established functions of county government;

2 (4) merge the office of an elected county official
3 that is established by another section of this constitution with
4 the office of another county official, if the charter otherwise
5 continues all of the established functions of both offices; and

6 (5) provide for the abolition of the office of an
7 elected county official that is established by another section of
8 this constitution, on the approval of a majority of the voters
9 voting on the question in a separate election held at least one year
10 after the initial election on the adoption of the charter.

11 (c) The abolition of an office under Subsection (b)(5) is
12 effective at the earlier of:

13 (1) the conclusion of the regular term of the office
14 holder at the time of the election to abolish the office; or

15 (2) the date the office becomes vacant.

16 (d) The charter may also integrate the county government and
17 the government of any other municipality, special district or
18 authority, or any other political subdivision, other than a school
19 district, if:

20 (1) more than one-half of the area of the political
21 subdivision to be integrated is located in the county; and

22 (2) the integration of political subdivisions
23 includes the most populous municipality in the county.

24 (e) The powers and duties of a county that adopts a charter
25 under this section are:

26 (1) the powers and duties established by the charter
27 that are not inconsistent with a constitutional or statutory

1 provision expressly applying to a charter county; and

2 (2) any additional powers and duties granted by this
3 constitution or general law.

4 (f) If the charter integrates the county with other local
5 political subdivisions under Subsection (d), the powers and duties
6 of the integrated county government are also the cumulative powers
7 and duties of the political subdivisions that are integrated. The
8 charter may not diminish the powers, duties, and functions of a
9 municipality that is not integrated with the county.

10 (g) If a charter integrates the county with other political
11 subdivisions, the charter shall transfer to the county all the
12 powers, duties, responsibilities, rights, privileges, assets,
13 obligations, and liabilities of the integrated municipality,
14 special district or authority, or other political subdivision.

15 (h) If a municipality that is integrated into a county
16 government has extraterritorial jurisdiction outside the county,
17 or if any portion of an integrated municipality, special district
18 or authority, or other political subdivision is located outside the
19 county, the integrated county government's powers and duties
20 outside the county are limited to those powers and duties that the
21 integrated political subdivision would have had in the absence of
22 the governmental integration.

23 (i) A charter that integrates the county with other
24 political subdivisions must establish distinct service districts
25 in the area of the integrated county government that provide for
26 district taxes that are graduated by area and based on the level of
27 services provided to the service district by the integrated county

1 government.

2 (j) Except for a constitutional or statutory provision
3 expressly applying to a charter county, a charter adopted under
4 this section controls on an issue relating to the structure,
5 powers, duties, functions, or governance of the county.

6 (k) The legislature, by local law or general law, shall
7 establish the procedures for the appointment or election of a
8 charter commission and for the adoption of a charter under this
9 section. The procedures for appointment or election of a charter
10 commission must include alternative procedures to initiate the
11 creation of a charter commission by action of the commissioners
12 court, by action of the governing body of the most populous
13 municipality in the county, or by petition of residents. The
14 legislative action may include any additional guarantees or other
15 provisions that the legislature considers appropriate to require in
16 a charter to protect minority voting rights. In the case of a
17 charter that integrates the county with other political
18 subdivisions, the legislative action may also include provisions
19 to:

20 (1) protect the employees of political subdivisions
21 that may become integrated under the county charter;

22 (2) coordinate the charter with the law governing
23 annexation; and

24 (3) structure the governing body and the service
25 districts and to allocate the debt service obligations of an
26 integrated county government to ensure equity among the voters and
27 taxpayers of the integrated county government.

1 SECTION 2. This proposed constitutional amendment shall be
2 submitted to the voters at an election to be held November 8, 2011.
3 The ballot shall be printed to permit voting for or against the
4 proposition: "The constitutional amendment to allow the voters of
5 counties with a population of 100,000 or more, and of certain
6 adjacent counties, to adopt a charter that restructures and
7 empowers the county government and that may allow the integration
8 of the county government with certain other political subdivisions
9 wholly or partly in the county."