

BILL ANALYSIS

C.S.H.B. 2003
By: González, Mary
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that it is troublesome when a municipality does not allow an area in the municipality's extraterritorial jurisdiction to incorporate as a municipality. In the case of the City of Socorro and the area known as San Elizario, which has a unique cultural heritage that dates back hundreds of years, observers note that recently the city has attempted to annex a parcel of land commonly associated with San Elizario at the protest of area residents. The parties further contend that when originally notified of the annexation area, residents began to discuss options to protect their community and several decided incorporating was the best course of action. However, while investigating the process to incorporate, area residents were notified that they fell within the city's extraterritorial jurisdiction, which the city is unwilling to cede to allow the area to incorporate. C.S.H.B. 2003 seeks to address this issue by establishing requirements for the incorporation of certain census-designated places as municipalities.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.H.B. 2003 amends the Local Government Code to authorize the residents of any part of an area to which the bill's provisions apply to initiate an attempt to incorporate as a municipality by filing a written petition signed by at least 10 percent of the registered voters of the area of the proposed municipality with the county judge of the county in which the proposed municipality is located. The bill's provisions apply to an area that is a census-designated place; that has been incorporated and unincorporated as a municipality at least twice and has retained the same name; that is located in a county with a population of 800,000 or more that is adjacent to an international border; and for which a home-rule municipality has refused to give its consent to incorporate.

C.S.H.B. 2003 requires the petition to request the county judge to order an election to determine whether the area of the proposed municipality will incorporate and requires the incorporation election to be conducted in the same manner as an incorporation election of the applicable municipality type. The bill specifies that the consent of the municipality that previously refused to give incorporation consent is not required for the incorporation.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2003 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter C, Chapter 42, Local Government Code, is amended by adding Section 42.0412 to read as follows:

Sec. 42.0412. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL JURISDICTION OF CERTAIN LESS POPULOUS MUNICIPALITIES.

(a) This section applies only to an area:

(1) identified by the federal government as a census-designated place;

(2) included in the extraterritorial jurisdiction, or the limited-purpose annexation area, of a home-rule municipality with a population of more than 21,000 and less than 46,000 that is located in a county with a population of more than 775,000 and less than 1.7 million; and

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

(b) The residents of any part of the area described by Subsection (a) may initiate an attempt to incorporate as a municipality by filing a written petition signed by at least 10 percent of the registered voters of the area of the proposed municipality with the county judge of the county in which the proposed municipality is located. The petition must request the county judge to order an election to determine whether the area of the proposed municipality will incorporate. An incorporation election under this section shall be conducted in the same manner as the applicable incorporation election under Subtitle A. The consent of the municipality that previously refused to give consent is not required for the incorporation.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 42, Local Government Code, is amended by adding Section 42.0412 to read as follows:

Sec. 42.0412. MUNICIPAL INCORPORATION OF CERTAIN CENSUS-DESIGNATED PLACES. (a)

This section applies only to an area:

(1) that is a census-designated place;

(2) that has been incorporated and unincorporated as a municipality at least twice and has retained the same name;

(3) that is located in a county with a population of 800,000 or more that is adjacent to an international border; and

(4) for which a home-rule municipality has refused to give its consent to incorporation under Section 42.041(a).

(b) The residents of any part of the area described by Subsection (a) may initiate an attempt to incorporate as a municipality by filing a written petition signed by at least 10 percent of the registered voters of the area of the proposed municipality with the county judge of the county in which the proposed municipality is located. The petition must request the county judge to order an election to determine whether the area of the proposed municipality will incorporate. An incorporation election under this section shall be conducted in the same manner as the applicable incorporation election under Subtitle A. The consent of the municipality that previously refused to give consent is not required for the incorporation.

SECTION 2. Same as introduced version.

provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.