

By: M. Gonzalez of El Paso

H.B. No. 2003

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for the incorporation of a municipality in the extraterritorial jurisdiction of certain less populous municipalities.

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

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

1 proposed municipality is located. The petition must request the  
2 county judge to order an election to determine whether the area of  
3 the proposed municipality will incorporate. An incorporation  
4 election under this section shall be conducted in the same manner as  
5 the applicable incorporation election under Subtitle A. The  
6 consent of the municipality that previously refused to give consent  
7 is not required for the incorporation.

8       SECTION 2. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2013.