

By: King of Zavala

H.B. No. 3194

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain municipalities to consolidate.

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

SECTION 1. Section 61.008, Local Government Code, is amended to read as follows:

Sec. 61.008. EFFECT OF CONSOLIDATION OF CONTIGUOUS MUNICIPALITIES. Except as provided by Section 61.0085, in [In] a consolidation under this chapter, the smaller municipalities:

(1) adopt the charter, the ordinances, and, unless otherwise provided at the time of the consolidation, the name of the largest municipality;

(2) are included in the territory of the largest municipality; and

(3) are subject to the laws and regulations of the largest municipality.

SECTION 2. Chapter 61, Local Government Code, is amended by adding Section 61.0085 to read as follows:

Sec. 61.0085. EFFECT OF CONSOLIDATION OF NONCONTIGUOUS MUNICIPALITIES. (a) In a consolidation of two municipalities described by Section 61.001(2), the municipality that is the more fiscally established, as determined by the municipalities, is the principal municipality, and the other participating municipality is the secondary municipality.

(b) In making the determination required by Subsection (a),

1 each municipality shall consider:

2 (1) the outstanding indebtedness of the municipality
3 as a total amount and as a per capita amount;

4 (2) the current revenue of the municipality from all
5 sources as a total amount and as a per capita amount; and

6 (3) any other factor relevant to determining which
7 municipality is the more fiscally established.

8 (c) Following a consolidation to which Subsection (a)
9 applies, the secondary municipality:

10 (1) adopts the charter, the ordinances, and, unless
11 otherwise provided at the time of the consolidation, the name of the
12 principal municipality;

13 (2) is included in the territory of the principal
14 municipality; and

15 (3) is subject to the laws and regulations of the
16 principal municipality.

17 SECTION 3. Sections 61.009(a) and (b), Local Government
18 Code, are amended to read as follows:

19 (a) After a consolidation is effective, the records, public
20 property, money, credits, accounts, and all other assets of the
21 smaller or secondary of the consolidated municipalities, as
22 applicable under Section 61.008 or 61.0085, shall be turned over to
23 the officers of the largest or principal municipality, as
24 applicable under Section 61.008 or 61.0085, who shall remain in
25 office for the remainder of their terms as the officials of the
26 consolidated municipality.

27 (b) The offices of the smaller or secondary municipalities,

1 as applicable under Section 61.008 or 61.0085, are abolished, and
2 the persons holding the offices at the time the consolidation is
3 effective are not entitled to receive further compensation.

4 SECTION 4. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2013.