

- SUBJECT:** Allowing general law municipality authority in Jim Hogg County
- COMMITTEE:** County Affairs — favorable, without amendment
- VOTE:** 6 ayes — W. Smith, Naishtat, Harless, Heflin, Leibowitz, T. Smith
0 nays
3 absent — Bolton, Coleman, Farabee
- WITNESSES:** For — Jim Allison, County Judges and Commissioners Association of Texas; Guadalupe S. Canales, Jim Hogg County Commissioners Court; (*Registered, but did not testify:* Sandalio Ruiz; John Thompson, Polk County, County Judges and Commissioners Association of Texas)

Against — (*Registered, but did not testify:* Chuck Rice, Texas Land Developers Association)
- BACKGROUND:** In 2003, the 78th Legislature enacted HB 722 by Guillen to add Local Government Code, sec. 81.033, which describes the powers of a commissioners court in a county with no incorporated territory. The section applies only to a commissioners court of Zapata county, which in 2000 had a population of 12,182, is located on the United States-Mexico border, and contains no incorporated territory of a municipality.

Sec. 81.0033 provides a commissioners court, in addition to the powers given to it under the Local Government Code or other law, all the powers of the governing body of a Type A general-law municipality in certain circumstances if the majority of voters approve the proposition at an election.
- DIGEST:** HB 591 would amend sec. 81.033 to change the applicability of the section to apply to a commissioners court in a county that has a population of 5,000 or more and was located within 100 miles of an international boundary.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

SUPPORTERS
SAY:

HB 591 would extend the powers afforded to Zapata County under Local Government Code, sec. 81.0033 to Jim Hogg County, a sparsely populated county with unique challenges. Under current law, the county lacks the authority to address the lack of services in existing colonias, regulate land use to maintain certain health standards, and protect business development investments created by the North American Free Trade Agreement (NAFTA).

Colonia homes lacking sewage services currently are jeopardizing local water sources, with overflowing cesspools leaking into underground sources used by county residents. Also, the lack of land-use rules has allowed landfills, hog farms, and chicken pens to be built near residential homes. Nearby families are forced to choose between protecting their home investments or seeking healthy, more suitable living conditions. The county also is missing out on business development opportunities because it does not have the ability to provide potential investors with the certainties of sanitary and building code requirements.

HB 591 would empower Jim Hogg County to address local problems and meet the needs of its residents. The authority extended under the bill would be granted only through a majority vote in a local referendum.

OPPONENTS
SAY:

HB 591 is unnecessary. The Local Government Code already has provisions in place addressing *colonias* and their proliferation. Additionally, the county has adopted model subdivision rules, which prohibit the establishment of residential developments without adequate water supply and sewer services to ensure proper operation of water supply and sewer services. Before, adding another layer of bureaucracy, Jim Hogg County should make full use of the land use tools already available.

NOTES:

The companion bill, SB 63 by Zaffirini, passed the Senate on the Local and Uncontested Calendar on March 14 and was reported favorably, without amendment, by the House County Affairs Committee on May 7 and recommended for the Local and Consent Calendars Committee, making it eligible to be considered in lieu of HB 591.