

BILL ANALYSIS

Senate Research Center
76R9136 CAG-D

C.S.S.B. 793
By: Nixon
Intergovernmental Relations
3/11/1999
Committee Report (Substituted)

DIGEST

Currently, under Texas law, municipalities may annex areas within their extraterritorial jurisdiction (ETJ) without the consent of those being annexed. In addition, communities within a municipality's ETJ are prohibited from incorporating without the permission of the municipality. This bill authorizes certain communities within a municipality's ETJ to incorporate without the municipality's consent.

PURPOSE

As proposed, C.S.S.B. 793 authorizes certain communities within a municipality's extraterritorial jurisdiction to incorporate without the municipality's consent.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.041(a), Local Government Code, to prohibit a municipality from incorporating in the extraterritorial jurisdiction of an existing municipality without the existing municipality's written consent by ordinance or resolution, except as provided by Section 42.0415.

SECTION 2. Amends Chapter 42C, Local Government Code, by adding Section 42.0415, as follows:

Sec. 42.0415. INCORPORATION IN LIEU OF ANNEXATION. Authorizes a petition meeting the requirements of Subsection (b) to be presented by a certain date to the annexing municipality's governing body to request release of all or part of the area to be annexed from the annexation proceeding and authorization to incorporate all or part of the area to be annexed as a new municipality or as part of a new municipality. Requires the petition to be signed by 100 or more registered voters of certain areas, contain certain information and make certain statements concerning the area. Requires the municipality to release from the annexation proceeding the area described in the petition and authorize the incorporation of the area as a new municipality or as part of a new municipality, if the governing body of the municipality determines the petition is valid. Requires the persons within the area to begin the procedures described in this title for the municipal incorporation of the area by a certain date. Requires the incorporation proceeding in the area to be completed by a certain date. Authorizes the annexing municipality to proceed with annexation of the area, if the area is not incorporated within the required time limits, and prohibits the residents of the area from presenting another petition under this section for a certain period of time. Provides that Section 43.053 does not apply during the time an area may attempt to incorporate under Subsection (e).

SECTION 3. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 42.0415, Chapter 42C, Local Government Code, to authorize a petition meeting

the requirements of Subsection (b) to be presented by a certain date to the annexing municipality's governing body to request release of all or part of the area to be annexed, rather than all of the area, from the annexation proceeding and authorization to incorporate all or part of the area to be annexed, rather than all of the area, as a new municipality or as part of a new municipality. Requires the petition to be signed by 100 or more registered voters of certain areas, contain certain information and make certain statements concerning the area. Requires the municipality to release from the annexation proceeding the area described in the petition and authorize the incorporation of the area as a new municipality or as part of a new municipality, if the governing body of the municipality determines the petition is valid. Requires the persons within the area to begin the procedures described in this title, rather than Title 2, for the municipal incorporation of the area by a certain date.