

## **BILL ANALYSIS**

Senate Research Center

H.B. 2017  
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Intergovernmental Relations  
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Engrossed

### **DIGEST AND PURPOSE**

Texas faces a challenge of balancing the competing interests of residents in unincorporated areas with the interests of annexing municipalities. Under current law, a municipality is required to allow all qualified voters residing in the municipality's extraterritorial jurisdiction (ETJ) to vote on a proposition relating to an adoption of or change to an ordinance or charter provision that would apply to the municipality's ETJ or a nonbinding referendum that, if binding, would apply to the municipality's ETJ. However, the residents cannot vote for the officials who make an application of an adoption, change, or referendum. H.B. 2017 allows residents who live inside a municipality's ETJ to either vote for local officials or vote for each ordinance and authorizes the residents to be removed from the ETJ if the residents are not permitted to vote.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

H.B. 2017 amends the Local Government Code to require a municipality to allow all qualified voters residing in the municipality's extraterritorial jurisdiction (ETJ) to vote on an adoption of or change to an ordinance or charter provision that would apply to the municipality's ETJ or a nonbinding referendum that, if binding, would apply to the municipality's ETJ. The bill provides that the adoption of or change to an ordinance or charter may not apply in the ETJ of a municipality unless a majority of the votes in the ETJ favor at an election the adoption of or change to the charter or ordinance. These provisions apply only to a municipality that has extended regulation of subdivision and property development rules or other law to its ETJ. The above provisions do not apply to an area of the municipality's ETJ if the voters of the area were permitted to vote in the three elections for members of the governing body of the municipality that immediately preceded the date an election would be held.

The bill provides that the adoption of or change to an ordinance or charter does not apply to an area that is located in a municipality's ETJ and is located in a county other than a county in which 80 percent or more of the population of the municipality resides, unless a majority of the voters in the area voting in an election held for that purpose favor the adoption of or change to the ordinance or charter.

Effective date: September 1, 2001.