

## **BILL ANALYSIS**

Senate Research Center

H.B. 722  
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Engrossed

### **DIGEST AND PURPOSE**

Currently, there are ten Texas counties without an incorporated municipality. These rural counties, for the most part, are sparsely populated. Some are located along the border and many are within the state-defined border region. County governments currently provide all basic governmental services to the residents of these counties.

Many of these counties have one community with a sufficiently large population and development to justify incorporation. However, to do so would create another layer of government, the duplication of county services, the employment of new municipal personnel, the conducting of elections to fill public offices, and the cost of establishing such offices. On the other hand, a community's failure to incorporate and assume the powers of a general-law municipality leaves the community and the county vulnerable to colonia proliferation. More than 250 new colonias have been established along the border region in spite of the counties' authority to address the increase in the number of colonias.

H.B. 722 provides a commissioners court, in addition to the powers given to it under this code or other law, all the powers of the governing body of a Type A general-law municipality under certain circumstances.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 81, Local Government Code, by adding Section 81.033, as follows:

Sec. 81.033. POWER OF COMMISSIONERS COURT IN COUNTY WITH NO INCORPORATED TERRITORY. (a) Provides that this section applies only to a commissioners court of a county that has a population of more than 7,500, is located on an international boundary, and contains no incorporated territory of a municipality.

(b) Provides that if approved at an election held in the county for that purpose, the commissioners court has, in addition to the powers given to it under this code or other law, all the powers of the governing body of a Type A general-law municipality, including the powers contained in Subtitle A (Municipal Regulatory Authority), Title 7 (Regulation of Land Use, Structures, Businesses, and Related Activities), with certain exceptions.

(c) Requires the ballot for an election under this section to be prepared to permit voting for or against the proposition: "Granting (name of county) County the authority to enact ordinances in the same manner as a general-law municipality."

(d) Provides that if a majority of the votes cast at the election favor the proposition, the commissioners court has the powers described by Subsection (b).

(e) Sets forth the commissioners court's authority if territory of the county becomes incorporated in a municipality.

(f) Requires the commissioners court, on receipt of a petition signed by at least 10 percent of the county's registered voters, to call an election on the repeal of an order or ordinance authorized by this section on the first uniform election date that occurs after the 90th day after the date the petition is filed. Provides that the order or ordinance is repealed if a majority of the votes cast at the election favor repeal. Prohibits a petition requiring an election under this subsection from being filed sooner than the fifth anniversary of the date of an election held under this subsection.

SECTION 2. Effective date: September 1, 2003.