

By: Burton

S.B. No. 615

A BILL TO BE ENTITLED

AN ACT

relating to the ability of an area proposed to be annexed to incorporate as a new general-law municipality.

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

SECTION 1. Section 42.041(a), Local Government Code, is amended to read as follows:

(a) Except as provided by Section 42.0415, a [A] municipality may not be incorporated in the extraterritorial jurisdiction of an existing municipality unless the governing body of the existing municipality gives its written consent by ordinance or resolution.

SECTION 2. Subchapter C, Chapter 42, Local Government Code, is amended by adding Section 42.0415 to read as follows:

Sec. 42.0415. INCORPORATION AS GENERAL-LAW MUNICIPALITY OF AREA PROPOSED FOR ANNEXATION. (a) For the purpose of this section, the date annexation proceedings are initiated for an area is the date that:

(1) the area is included in an annexation plan under Section 43.052;

(2) the notice of the first public hearing required by Section 43.063 is published; or

(3) the notice of the first public hearing required by Section 43.124 is published if the area is proposed to be annexed for limited purposes.

1        (b) Not later than the 30th day after the date a  
2 municipality initiates annexation proceedings, a petition that  
3 meets the requirements of Subsection (c) may be presented to the  
4 governing body of the annexing municipality to request:

5            (1) the release of all or part of the area to be  
6 annexed from the annexation proceeding; and

7            (2) authorization to incorporate all or part of the  
8 area to be annexed as a new general-law municipality.

9        (c) The petition must:

10           (1) be signed by a number of registered voters of the  
11 area requesting release and incorporation under Subsection (b)  
12 equal to or greater than the number of voters required to apply or  
13 petition for incorporation under Chapter 6, 7, or 8 as the type of  
14 general-law municipality intended to be created;

15           (2) describe the portion of the area proposed to be  
16 annexed that the petitioners seek to incorporate as a new  
17 municipality;

18           (3) affirm that the area described by Subdivision (2):

19                (A) contains at least the number of residents  
20 required for the creation of the type of general-law municipality  
21 intended to be created; and

22                (B) is equal to or larger than the minimum  
23 territorial requirements for the creation of the type of  
24 general-law municipality intended to be created;

25           (4) state that the intent of the persons signing the  
26 petition is to incorporate the described area as a new general-law  
27 municipality; and

1           (5) state the type of general-law municipality  
2 intended to be created.

3           (d) If the governing body determines that the petition is  
4 valid, the municipality shall:

5                 (1) release from the annexation proceeding the area  
6 described in the petition; and

7                 (2) authorize the incorporation of the area as a new  
8 general-law municipality or as part of a new general-law  
9 municipality.

10           (e) Not later than the 90th day after the date the  
11 municipality releases an area from an annexation proceeding, the  
12 persons within the released area must begin the procedures  
13 prescribed by this title for the municipal incorporation of the  
14 area.

15           (f) The incorporation proceeding in the area must be  
16 completed not later than the first anniversary of the date the  
17 municipality releases the area from the annexation proceeding.

18           (g) If the area described under Subsection (c) is not  
19 incorporated within the time limits described by Subsection (f),  
20 the municipality may proceed with the annexation of the area, and  
21 the residents of the area may not present another petition under  
22 this section until the fifth anniversary of the date the initial  
23 petition was filed under Subsection (b).

24           SECTION 3. The change in law made by this Act applies only  
25 to an area for which a municipality has not initiated annexation  
26 proceedings, as defined by Section 42.0415(a), Local Government  
27 Code, as added by this Act, before the effective date of this Act.

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1       SECTION 4.   This Act takes effect September 1, 2015.