

1 AN ACT
2 relating to the requirements for the incorporation of a
3 municipality in the extraterritorial jurisdiction of certain
4 existing municipalities.

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

6 SECTION 1. The heading to Section 42.041, Local Government
7 Code, is amended to read as follows:

8 Sec. 42.041. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL
9 JURISDICTION GENERALLY.

10 SECTION 2. Subchapter C, Chapter 42, Local Government Code,
11 is amended by adding Section 42.0411 to read as follows:

12 Sec. 42.0411. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL
13 JURISDICTION OF CERTAIN MUNICIPALITIES. (a) This section applies
14 only to:

15 (1) an area located north and east of Interstate
16 Highway 10 that is included in the extraterritorial jurisdiction,
17 or the limited-purpose annexation area, of a municipality with a
18 population of one million or more that has operated under a
19 three-year annexation plan similar to the municipal annexation plan
20 described by Section 43.052 for at least 10 years; or

21 (2) an area located north and east of Interstate
22 Highway 10:

23 (A) that is included in the extraterritorial
24 jurisdiction, or the limited-purpose annexation area, of a

1 municipality with a population of one million or more that has
2 operated under a three-year annexation plan similar to the
3 municipal annexation plan described by Section 43.052 for at least
4 10 years;

5 (B) that has not been included in the
6 municipality's annexation plan described by Section 43.052 before
7 the 180th day before the date consent for incorporation is
8 requested under Section 42.041(a); and

9 (C) for which the municipality refused to give
10 its consent to incorporation under Section 42.041(a).

11 (b) The residents of the area described by Subsection (a)(2)
12 may initiate an attempt to incorporate as a municipality by filing a
13 written petition signed by at least 10 percent of the registered
14 voters of the area of the proposed municipality with the county
15 judge of the county in which the proposed municipality is located.
16 The petition must request the county judge to order an election to
17 determine whether the area of the proposed municipality will
18 incorporate. An incorporation election under this section shall be
19 conducted in the same manner as an incorporation election under
20 Subchapter A, Chapter 8. The consent of the municipality that
21 previously refused to give consent is not required for the
22 incorporation.

23 (c) In this subsection, "deferred annexation area" means an
24 area that has entered into an agreement with a municipality under
25 which the municipality defers annexation of the area for at least 10
26 years. An area described by Subsection (a)(1) that is located
27 within 1-1/2 miles of a municipality's deferred annexation area or

1 adjacent to the corporate boundaries of the municipality may not be
2 annexed for limited or full purposes during the period provided
3 under the agreement. During the period provided under the
4 agreement, the residents of the area may incorporate in accordance
5 with the incorporation proceedings provided by law, except that the
6 consent of the municipality is not required for the incorporation.

7 This subsection expires on the later of:

8 (1) September 1, 2009; or

9 (2) the date that all areas entitled to incorporate
10 under this subsection have incorporated.

11 (d) This subsection applies only to an area that is
12 described by Subsection (a)(1) and removed from a municipality's
13 annexation plan under Section 43.052(e) two times or more. The
14 residents of the area and any adjacent territory that is located
15 within the extraterritorial jurisdiction of the municipality or
16 located within an area annexed for limited purposes by the
17 municipality and that is adjacent to the corporate boundaries of
18 the municipality may incorporate in accordance with the
19 incorporation proceedings provided by law, except that the consent
20 of the municipality is not required for the incorporation. This
21 subsection expires on the later of:

22 (1) September 1, 2009; or

23 (2) the date that all areas entitled to incorporate
24 under this subsection have incorporated.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.

David Neuburst

President of the Senate

Jim Caddell

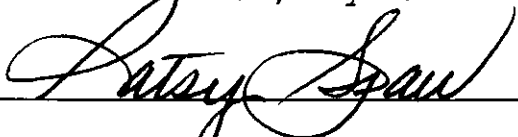
Speaker of the House

I certify that H.B. No. 585 was passed by the House on April 22, 2005, by the following vote: Yeas 142, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 585 on May 24, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 585 on May 29, 2005, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

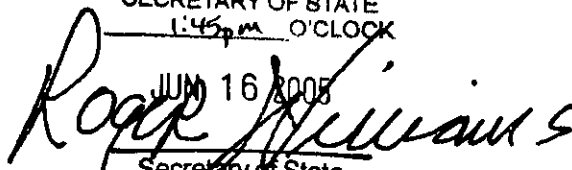
I certify that H.B. No. 585 was passed by the Senate, with amendments, on May 21, 2005, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 585 on May 29, 2005, by the following vote: Yeas 31, Nays 0.


Secretary of the Senate

APPROVED: 16 JUNE '05

Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1:45 p.m. O'CLOCK
JUN 16 2005

Secretary of State