

A BILL TO BE ENTITLED

AN ACT

relating to municipal incorporation in extra-territorial jurisdiction.

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

SECTION 1. Chapter 42, Local Government Code, is amended by adding Section 42.041 to read as follows:

§ 42.041. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL JURISDICTION GENERALLY. (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, unless:

1. the community seeking incorporation has been in existence for over one hundred years, and;

2. has maintained a unique and separate identity from the existing municipality for the duration of this time.

3. Existence and unique identity can be shown by any of the following:

A. continuous postal service reflecting a separate identity from the existing municipality, or;

B. the existence of a local newspaper or other media which reflects that the community seeking incorporation is distinct from the existing municipality, or;

C. the existence of train, bus, air or other transportation stops that identify the community as unique and distinct from the existing municipality, or;

D. the existence of public or private utilities that identify the community as unique and distinct from the existing municipality, or;

E. any other evidence that demonstrates the existence and/or unique and separate identity of the community seeking incorporation from the existing municipality.

*[Handwritten signature]*

Bill No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

relating to allowing certain identifiable communities in the jurisdictional jurisdiction of municipalities to incorporate.

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

SECTION 1. Section 42.001, Local Government Code, is amended by amending subsection (a) and adding subsections (d) and (e) to read as follows:

(a) Except as provided by subsection (d), a municipality may not be incorporated in the jurisdictional jurisdiction of another municipality unless the governing body of the existing municipality affirmatively consents by a majority vote of its members.

(d) A municipality may incorporate a identifiable community located in the jurisdictional jurisdiction of a municipality in the jurisdictional jurisdiction of the municipality in the county in the jurisdictional jurisdiction of a municipality if:

(1) the community has a unique identity; and

(2) the community is located in the 1990 General Economic Development Plan.

(e) A municipality may incorporate a community if:

(1) the community is located in the jurisdictional jurisdiction of the municipality; and

(2) a municipality is considered to be the predominant municipality in the county in the jurisdictional jurisdiction of the municipality.

SUBJECT MATTER