

## **BILL ANALYSIS**

Senate Research Center  
77R10326 PAM-F

H.B. 2579  
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Intergovernmental Relations  
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Engrossed

### **DIGEST AND PURPOSE**

Generally, a municipality may annex an unincorporated area only if the area is included in the municipality's annexation plan. H.B. 2579 prohibits a municipality from annexing all or part of the area located within the Mauriceville boundary unless the municipality includes the area in its annexation plan.

### **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 Chapter 43, Local Government Code, by adding Subchapter Y, as follows:

#### **SUBCHAPTER Y. ANNEXATION AND INCORPORATION PROCEDURES FOR CERTAIN UNINCORPORATED COMMUNITIES IN CERTAIN COUNTIES**

Sec. 43.851. DEFINITIONS. Defines "affected county," "affected municipality," "extraterritorial jurisdiction," "Mauriceville boundary," "Mauriceville community," and "municipal annexation plan."

Sec. 43.852. ANNEXATION PROCEDURES. Prohibits an affected municipality, notwithstanding Section 43.052(h), from annexing all or part of the area located within the Mauriceville boundary unless the affected municipality complies with certain provisions.

Sec. 43.853. NOTICE: INCLUDING AREA IN PLAN. (a) Requires an affected municipality that adopts or amends its municipal annexation plan to include all or part of the area located within the Mauriceville boundary to comply with this chapter and all other requirements of law relating to the adoption or amendment of a municipal annexation plan.

(b) Requires an affected municipality, before the 90th day after the date it adopts or amends its municipal annexation plan to include all or part of the area located within the Mauriceville boundary, to post a notice of the proposed annexation in at least three public places within the Mauriceville boundary. Requires the notice to remain posted for at least seven consecutive days. Requires the first day of posting to occur before that 90th day.

(c) Requires an affected municipality, on or before the 90th day after the date it adopts or amends its municipal annexation plan to include all or part of the area located within the Mauriceville boundary, to publish a notice of the proposed annexation in at least two newspapers of general circulation within the Mauriceville community. Requires the municipality to publish a second notice in the same manner not less than 7 days and not more than 14 days after the first notice is published.

Sec. 43.854. NOTICE: REMOVING AREA FROM PLAN. (a) Requires an affected municipality that adopts or amends its municipal annexation plan to remove all or part of the area located within the Mauriceville boundary to comply with this chapter and all other requirements of law relating to the adoption or amendment of a municipal annexation plan.

(b) Requires an affected municipality, before the 90th day after the date it adopts or amends its municipal annexation plan to remove all or part of the area located within the Mauriceville boundary, to post a notice of the removal in at least three public places within the Mauriceville boundary. Requires the notice to remain posted for seven consecutive days. Requires the first day of posting to occur before that 90th day.

(c) Requires an affected municipality, on or before the 90th day after the date it adopts or amends its municipal annexation plan to remove all or part of the area located within the Mauriceville boundary, to publish a notice of the removal in at least two newspapers of general circulation within the Mauriceville community. Requires the municipality to publish a second notice in the same manner not less than 7 days and not more than 14 days after the first notice is published.

Sec. 43.855. INCORPORATION PROCEDURES. (a) Provides that, except as provided by Subsection (b), if an application or petition to incorporate all or part of the area within the Mauriceville boundary is filed with the county judge, a community may be incorporated within the Mauriceville boundary under the procedures prescribed by law, and the county judge shall order an incorporation election under the procedures prescribed by law.

(b) Provides that if all or part of the area to be incorporated is located within the extraterritorial jurisdiction of an affected municipality, the affected municipality is considered to have consented to the annexation for purposes of Section 42.041(a) on the date a petition or application to incorporate the area is filed with the county judge of the affected county. Provides that the filing of a petition or application under this section initiates the incorporation proceedings for purposes of Section 42.041(d). Requires the incorporation to be finally completed within the period prescribed by Section 42.041(d). Provides that if the proceedings to incorporate the area are not finally completed within the prescribed period, the area may not be incorporated without obtaining the express consent of the affected municipality as required by Section 42.041(a), or consent of the affected municipality in the manner provided by Section 42.041(b).

Sec. 43.856. EXPIRATION DATE. Provides that this chapter expires at midnight on December 31, 2030.

SECTION 2. Effective date: upon passage or September 1, 2001.