

BILL ANALYSIS

Senate Research Center
76R14305 CAG-D

C.S.S.J.R. 4
By: Madla
Intergovernmental Relations
5/5/1999
Committee Report (Substituted - REVISED)

DIGEST

Currently, the Texas Constitution does not contain provisions empowering El Paso County to adopt a charter which would permit consolidation with other political entities into a single merged governmental entities. This legislation requires the submission to the voters of a constitutional amendment to allow El Paso County to adopt a charter that restructures and empowers the county government and allows the integration of the county government with certain political subdivisions located, in whole or in part, in the county.

PURPOSE

As proposed, C.S.S.J.R. 4 requires the submission to the voters of a constitutional amendment to allow El Paso County to adopt a charter that restructures and empowers the county government and allows the integration of the county government with certain political subdivisions located, in whole or in part, in the county.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article III, Texas Constitution, by adding Section 64A, as follows:

Sec. 64A. (a) Authorizes the voters of El Paso County to adopt a county charter to consolidate the governments of the county. Authorizes the county charter to integrate the county government with other local political subdivisions allowed under this section.

(b) Authorizes a charter to provide for the restructuring of the county government into a single merged government.

(c) Provides that the abolition of an office of an elected county official is effective upon a certain date.

(d) Requires a charter adopted under this section to integrate the county government and the government of each municipality located completely in the county. Authorizes the charter to integrate into a consolidated government a special district or authority, or any other political subdivision other than a school district if more than one-half the area of the political subdivision to be integrated is located in the county.

(e) Sets forth the powers and duties of a county that adopts a charter under this section.

(f) Provides that if a charter integrates the county with other local political subdivisions under Subsection (d), the powers and duties of the integrated county government are also the cumulative powers and duties of the integrated political subdivisions. Prohibits an adopted charter from diminishing the powers, duties, and functions of a municipality that is not integrated with the county.

(g) Requires the charter, if it integrates the county with other political subdivisions, to transfer to the county all the powers, duties, responsibilities, rights, privileges, assets, obligations, and liabilities of the integrated municipality, special district or authority, or other political subdivision.

(h) Provides that if a municipality that is integrated into a county has extraterritorial jurisdiction outside the county, or if any portion of an integrated political subdivision is located outside the county, the integrated county government's powers and duties outside the county are limited to those powers and duties that the integrated political subdivision would have had in the absence of the governmental integration.

(i) Requires a charter that integrates the county with other political subdivisions to establish distinct service districts in the area of the integrated county government that provide for district taxes that are graduated by area and based on the level of services provided to the service district by the integrated county government.

(j) Establishes that a charter adopted under this section controls on an issue relating to the structure, powers, duties, functions, or governance of the county, except for a constitutional or statutory provision expressly applying to a charter county.

(k) Requires the legislature, by local law or general law, to establish the procedures for the appointment or election of a charter commission and for the adoption of a charter under this section. Authorizes the legislative action to include any additional guarantees or other provisions that the legislature considers appropriate to require in a charter to protect minority voting rights. Authorizes the legislative action to also include certain additional provisions.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 2, 1999. Sets forth the required language for the ballot.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 64A(a) to authorize the voters of El Paso County, rather than Bexar County, to adopt a county charter to consolidate the governments of the county.

Amends Section 64A(k), Article III, Texas Constitution, to delete proposed text requiring the procedures for appointment or election of a charter commission to include alternative procedures to initiate the creation of a charter commission by action of the commissioners court, by action of the governing body of the most populous municipality in the county, or by petition of residents.