

1-1 By: Buckingham S.B. No. 659
 1-2 (In the Senate - Filed February 11, 2021; March 11, 2021,
 1-3 read first time and referred to Committee on Local Government;
 1-4 April 8, 2021, reported favorably by the following vote: Yeas 5,
 1-5 Nays 4; April 8, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Menéndez		X		
1-9 Eckhardt		X		
1-10 Gutierrez		X		
1-11 Hall	X			
1-12 Nichols	X			
1-13 Paxton	X			
1-14 Springer	X			
1-15 Zaffirini		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to disannexation of certain areas that do not receive full
 1-20 municipal services.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Subchapter G, Chapter 43, Local Government Code,
 1-23 is amended by adding Section 43.1415 to read as follows:

1-24 Sec. 43.1415. DISANNEXATION OF CERTAIN AREAS NOT RECEIVING
 1-25 FULL SERVICES. (a) This section applies only to an area that:

1-26 (1) does not receive full municipal services and was
 1-27 exempt from municipal taxation for more than 20 years under an
 1-28 ordinance that provided that the area was exempt from taxation
 1-29 until full municipal services were provided; or

1-30 (2) was annexed for limited purposes before Subchapter
 1-31 F was enacted and has not received at any time full municipal
 1-32 services.

1-33 (b) A person owning real property wholly or partly located
 1-34 in the area may file a petition requesting the municipality to
 1-35 disannex the portion of the property located in the municipality.
 1-36 If the property is located in a subdivision, the petition must:

1-37 (1) request disannexation of all real property in the
 1-38 subdivision that is located in the municipality; and

1-39 (2) include the signatures of owners of at least 51
 1-40 percent of the property in the subdivision that is located in the
 1-41 municipality.

1-42 (c) The municipality shall disannex the property described
 1-43 by a valid petition filed under Subsection (b) not later than the
 1-44 30th day after the date the municipality receives the petition. The
 1-45 filing of the petition creates an irrebuttable presumption that the
 1-46 property is not a part of the municipality. The presumption may not
 1-47 be contested for any cause after the date the municipality receives
 1-48 the petition.

1-49 (d) If the municipality fails to disannex the property as
 1-50 required by Subsection (c), the person filing the petition may
 1-51 bring an action against the municipality to compel disannexation of
 1-52 the property. If the person prevails, the person may recover
 1-53 attorney's fees and court costs resulting from bringing the action.

1-54 (e) Governmental immunity to suit and from liability of the
 1-55 municipality is waived to the extent of liability created by this
 1-56 section.

1-57 SECTION 2. This Act takes effect immediately if it receives
 1-58 a vote of two-thirds of all the members elected to each house, as
 1-59 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this
2-2 Act takes effect September 1, 2021.

2-3 * * * * *