

By: Dean, et al.

H.B. No. 3053

A BILL TO BE ENTITLED

AN ACT

relating to the municipal disannexation of certain areas annexed during a certain period of time.

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

SECTION 1. Subchapter G, Chapter 43, Local Government Code, is amended by adding Section 43.1463 to read as follows:

Sec. 43.1463. DISANNEXATION OF AREAS ANNEXED DURING TRANSITION FROM NONCONSENT TO CONSENT ANNEXATION MODEL. (a) This section applies only to an area:

(1) for which an annexation was:

(A) initiated by a municipality with a population of 500,000 or more; and

(B) finalized for full purposes between March 3, 2015, and December 1, 2017; and

(2) that had a population of greater than zero on the date the area was annexed.

(b) This section does not apply to a municipality:

(1) whose extraterritorial jurisdiction is adjacent to or includes all or part of a federal military installation in active use as of May 1, 2023; or

(2) in which all or part of a federal military installation in active use as of May 1, 2023, is located.

(c) A municipality shall hold an election in an area described by Subsection (a) on the question of disannexing the area

1 from the municipality. The municipality:

2 (1) may not use public money on promotional campaigns
3 or advocacy related to the election; and

4 (2) shall ensure that the ballot proposition for the
5 election:

6 (A) describes the area to be disannexed;

7 (B) identifies the area by the commonly used name
8 of the area, if applicable;

9 (C) identifies the entities that will provide law
10 enforcement, fire, and emergency services after disannexation;

11 (D) describes the effect of disannexation on ad
12 valorem taxes and fees in the area; and

13 (E) describes the effect of disannexation on
14 special districts located in the area.

15 (d) A municipality shall disannex an area described by
16 Subsection (a), including residential and commercial property in
17 the area, if the voters approve the disannexation in the election
18 held under Subsection (c).

19 (e) A municipality shall retain ownership of any
20 infrastructure, including a water treatment and storage facility,
21 transferred to the municipality from a special district as part of
22 the annexation of an area disannexed under this section.

23 (f) After an area is disannexed under this section:

24 (1) a special district located in and serving the area
25 may be dissolved only if the members of the governing body of the
26 district elect to dissolve the district after the disannexation;

27 and

1 (2) an emergency services district located in or
2 adjacent to the area shall provide services to the area.

3 (g) A disannexation under this section does not authorize
4 the impairment of a municipal debt obligation and, to the extent
5 applicable, the area is not released from its pro rata share of that
6 indebtedness. The municipality shall continue to impose a property
7 tax each year on the property in the area at the same rate that is
8 imposed on other property in the municipality until the taxes
9 collected from the area equal its pro rata share of the
10 indebtedness. Those taxes may be charged only with the cost of
11 imposing and collecting the taxes, and the taxes shall be applied
12 exclusively to the payment of the pro rata share of the
13 indebtedness. This subsection does not prevent the inhabitants of
14 the area from paying in full at any time their pro rata share of the
15 indebtedness.

16 (h) Section 43.148 does not apply to an area disannexed
17 under this section.

18 SECTION 2. A municipality required to hold an election
19 under Section 43.1463(c), Local Government Code, as added by this
20 Act, shall hold the election on the first uniform election date
21 after the effective date of this Act that allows sufficient time to
22 comply with any requirements of law.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2023.