

1-1 By: Dean, et al. (Senate Sponsor - Paxton) H.B. No. 3053
 1-2 (In the Senate - Received from the House April 26, 2023;
 1-3 April 27, 2023, read first time and referred to Committee on Local
 1-4 Government; May 10, 2023, reported favorably by the following
 1-5 vote: Yeas 6, Nays 3; May 10, 2023, sent to printer.)

1-6 COMMITTEE VOTE

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

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

1-19 relating to the municipal disannexation of certain areas annexed
 1-20 during a certain period of time.

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 43.1463 to read as follows:

1-24 Sec. 43.1463. DISANNEXATION OF AREAS ANNEXED DURING
 1-25 TRANSITION FROM NONCONSENT TO CONSENT ANNEXATION MODEL. (a) This
 1-26 section applies only to an area:

1-27 (1) for which an annexation was:

1-28 (A) initiated by a municipality with a population
 1-29 of 500,000 or more; and

1-30 (B) finalized for full purposes between March 3,
 1-31 2015, and December 1, 2017; and

1-32 (2) that had a population of greater than zero on the
 1-33 date the area was annexed.

1-34 (b) This section does not apply to a municipality:

1-35 (1) whose extraterritorial jurisdiction is adjacent
 1-36 to or includes all or part of a federal military installation in
 1-37 active use as of May 1, 2023; or

1-38 (2) in which all or part of a federal military
 1-39 installation in active use as of May 1, 2023, is located.

1-40 (c) A municipality shall hold an election in an area
 1-41 described by Subsection (a) on the question of disannexing the area
 1-42 from the municipality. The municipality:

1-43 (1) may not use public money on promotional campaigns
 1-44 or advocacy related to the election; and

1-45 (2) shall ensure that the ballot proposition for the
 1-46 election:

1-47 (A) describes the area to be disannexed;

1-48 (B) identifies the area by the commonly used name
 1-49 of the area, if applicable;

1-50 (C) identifies the entities that will provide law
 1-51 enforcement, fire, and emergency services after disannexation;

1-52 (D) describes the effect of disannexation on ad
 1-53 valorem taxes and fees in the area; and

1-54 (E) describes the effect of disannexation on
 1-55 special districts located in the area.

1-56 (d) A municipality shall disannex an area described by
 1-57 Subsection (a), including residential and commercial property in
 1-58 the area, if the voters approve the disannexation in the election
 1-59 held under Subsection (c).

1-60 (e) A municipality shall retain ownership of any
 1-61 infrastructure, including a water treatment and storage facility,

2-1 transferred to the municipality from a special district as part of
2-2 the annexation of an area disannexed under this section.

2-3 (f) After an area is disannexed under this section:

2-4 (1) a special district located in and serving the area
2-5 may be dissolved only if the members of the governing body of the
2-6 district elect to dissolve the district after the disannexation;
2-7 and

2-8 (2) an emergency services district located in or
2-9 adjacent to the area shall provide services to the area.

2-10 (g) A disannexation under this section does not authorize
2-11 the impairment of a municipal debt obligation and, to the extent
2-12 applicable, the area is not released from its pro rata share of that
2-13 indebtedness. The municipality shall continue to impose a property
2-14 tax each year on the property in the area at the same rate that is
2-15 imposed on other property in the municipality until the taxes
2-16 collected from the area equal its pro rata share of the
2-17 indebtedness. Those taxes may be charged only with the cost of
2-18 imposing and collecting the taxes, and the taxes shall be applied
2-19 exclusively to the payment of the pro rata share of the
2-20 indebtedness. This subsection does not prevent the inhabitants of
2-21 the area from paying in full at any time their pro rata share of the
2-22 indebtedness.

2-23 (h) Section 43.148 does not apply to an area disannexed
2-24 under this section.

2-25 SECTION 2. A municipality required to hold an election
2-26 under Section 43.1463(c), Local Government Code, as added by this
2-27 Act, shall hold the election on the first uniform election date
2-28 after the effective date of this Act that allows sufficient time to
2-29 comply with any requirements of law.

2-30 SECTION 3. This Act takes effect immediately if it receives
2-31 a vote of two-thirds of all the members elected to each house, as
2-32 provided by Section 39, Article III, Texas Constitution. If this
2-33 Act does not receive the vote necessary for immediate effect, this
2-34 Act takes effect September 1, 2023.

2-35 * * * * *