

By: King

H.B. No. 609

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requiring certain municipalities to obtain landowner  
3 consent before annexing property.

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

5 SECTION 1. Section 43.021, Local Government Code, is  
6 amended to read as follows:

7 Sec. 43.021. AUTHORITY OF HOME-RULE MUNICIPALITY TO ANNEX  
8 AREA AND TAKE OTHER ACTIONS REGARDING BOUNDARIES. (a) A home-rule  
9 municipality may take the following actions according to rules as  
10 may be provided by the charter of the municipality and not  
11 inconsistent with the procedural rules prescribed by this chapter:

12 (1) fix the boundaries of the municipality;

13 (2) extend the boundaries of the municipality and  
14 annex area adjacent to the municipality; and

15 (3) exchange area with other municipalities.

16 (b) A home-rule municipality with a population of 250,000 or  
17 more may annex a lot or tract only if the owner of the lot or tract  
18 consents in writing to the annexation before the municipality  
19 institutes annexation proceedings. If there is more than one owner  
20 of a lot or tract, the written consent must be signed by at least 51  
21 percent of the owners of that lot or tract.

22 SECTION 2. Section 43.052(h), Local Government Code, is  
23 amended to read as follows:

24 (h) This section does not apply to an area proposed for

1 annexation if:

2 (1) the area contains fewer than 100 separate tracts  
3 of land on which one or more residential dwellings are located on  
4 each tract;

5 (2) the area will be annexed by petition of more than  
6 50 percent of the real property owners in the area proposed for  
7 annexation or by vote or petition of the qualified voters or real  
8 property owners as provided by Subchapter B;

9 (3) the area is or was the subject of:

10 (A) an industrial district contract under  
11 Section 42.044; or

12 (B) a strategic partnership agreement under  
13 Section 43.0751;

14 (4) the area is located in a colonia, as that term is  
15 defined by Section 2306.581, Government Code;

16 (5) the area is annexed under Section 43.026, 43.027,  
17 43.029, or 43.031;

18 (6) the area is located completely within the  
19 boundaries of a closed military installation; ~~[or]~~

20 (7) the municipality determines that the annexation of  
21 the area is necessary to protect the area proposed for annexation or  
22 the municipality from:

23 (A) imminent destruction of property or injury to  
24 persons; or

25 (B) a condition or use that constitutes a public  
26 or private nuisance as defined by background principles of nuisance  
27 and property law of this state; or

1           (8) the area may be annexed only on the consent of the  
2 landowner under Section 43.021(b).

3           SECTION 3. Section 43.021(b), Local Government Code, as  
4 added by this Act, applies only to the annexation of an area for  
5 which a municipality gives notice, on or after the effective date of  
6 this Act, of the first annexation hearing under Section 43.063,  
7 Local Government Code. An area that a municipality includes in an  
8 annexation plan or for which a municipality gives notice under  
9 Section 43.063, Local Government Code, before the effective date of  
10 this Act is governed by the law in effect immediately before the  
11 effective date of this Act, and the former law is continued in  
12 effect for that purpose.

13           SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2003.