

BILL ANALYSIS

H.B. 1728
By: Leibowitz
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a majority of the qualified voters of an annexed area may petition the governing body of a municipality to disannex the area if the municipality fails or refuses to provide services or to cause services to be provided to the area within the period specified by law. If the municipality fails to disannex the area, the residents are required to sue in district court.

The purpose of H.B. 1728 is to lower the petition threshold required and to require the municipality to disannex the area if the petition is valid. If the municipality refuses, they have the burden (instead of the residents) of taking the case to district court.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. *Amends Sections 43.141(a) and (b), Local Government Code, as follows:*

Provides that at least 50% of the registered voters who voted in the most recent municipal election (instead of a majority of qualified voters) of an annexed area may petition for disannexation under current provisions for disannexation.

Requires the municipality to disannex the area within 60 days if the petition is valid unless they bring suit in district court and show that they tried to provide services in good faith.

SECTION 2. Act Prospective.

SECTION 3. Effective Date.

EFFECTIVE DATE

September 1, 2005.