

BILL ANALYSIS

H.B. 3198
By: Hope
Land & Resource Management
Committee Report (Amended)

BACKGROUND AND PURPOSE

Under current law, municipalities have the authority to annex an area without the consent of the residents of the area. This type of involuntary annexation deprives Texans of the right to voice their opinion regarding their destiny because they have not had the opportunity to elect the city councils that forcibly annex them. In the independent style of great Texans, many of these people have purposely moved into an unincorporated area so as not to be under the control of city governments.

The purpose H.B. 3198 is to require a municipality to obtain the consent of the voters in an area to be annexed and in the annexing municipality prior to annexation.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. *Amends Section 43.021, Local Government Code, as follows:*

Authorizes certain municipalities to fix their boundaries, extend their boundaries, annex adjacent area, and exchange area.

SECTION 2. *Amends Subchapter B, Chapter 43, Local Government Code, by adding a Section 43.0215, as follows:*

Makes this section applicable to municipalities with a population of 40,000 or less.

Requires voter approval of full purpose annexations as follows:

Prohibits annexation unless approved by a majority of voters in the municipality **and** either approved by a majority of voters in the area to be annexed **or** following a petition to the municipality by a majority of the registered voters in the area to be annexed.

Authorizes a vote only in the municipality if no qualified voters reside in the area to be annexed.

Binds residents in the area to be annexed to the acts and ordinances of the municipality on the effective date of the annexation ordinance.

Entitles residents of the area to be annexed to the rights and privileges of a resident of the municipality on the effective date of the annexation ordinance.

Requires elections be held on the first uniform election date that falls on or after the 65th day following the second public hearing required by 43.0561.

Requires that annexation elections be held in the same manner as general elections in the municipality and that the municipality shall pay for the elections.

Prohibits a subsequent election on the question of annexation until the corresponding uniform election date of the following year.

Exempts from the requirements of this section annexations of area that the municipality owns.

Exempts from the requirements of this section mutually agreeable changes in boundaries that are less than 1,000 feet in width by adjacent municipalities.

SECTION 3. *Amends the heading to Section 43.022, Local Government Code, as follows:*

Makes conforming changes.

SECTION 4. *Amends Section 43.022(a), Local Government Code, as follows:*

Makes conforming changes.

SECTION 5. *Amends Section 43.028(a), Local Government Code, as follows:*

Makes conforming changes.

SECTION 6. *Amends Section 43.052(h), Local Government Code, as follows:*

Makes conforming changes.

SECTION 7. *Amends Section 43.054(b), Local Government Code, as follows:*

Makes conforming changes.

SECTION 8. *Amends Section 43.0545(c), Local Government Code, as follows:*

Makes conforming changes.

SECTION 9. *Amends Section 43.055(a), Local Government Code, as follows:*

Makes conforming changes.

SECTION 10. *Amends Section 43.061, Local Government Code, as follows:*

Makes conforming changes.

SECTION 11. *Amends Section 43.0712(a), Local Government Code, as follows:*

Makes conforming changes.

SECTION 12. *Amends Section 43.072, Local Government Code, as follows:*

Makes conforming changes.

SECTION 13. *Amends Section 43.102(c), Local Government Code, as follows:*

Makes conforming changes.

SECTION 14. *Amends Section 43.103(a), Local Government Code, as follows:*

Makes conforming changes.

SECTION 15. *Amends Section 43.141(a), Local Government Code, as follows:*

Makes conforming changes.

SECTION 16. *Amends Subchapter G, Chapter 43, Local Government Code, by adding Section 43.1415 as follows:*

Makes this section applicable to municipalities with a population of 40,000 or less.

Authorizes disannexation if approved by a majority of voters in the municipality **and** in the area to be disannexed

Requires a disannexation election if the governing body of the municipality is petitioned to disannex an area by a majority of the registered voters in the area to be disannexed. Requires disannexation following petition if approved by a majority of the voters in the municipality.

Requires that disannexation elections following a petition be held on the first uniform election date following verification of the petition by the municipal secretary or clerk. Requires that the municipality pay for the cost of the election.

Prohibits the annexation of a disannexed area before the 10th anniversary of the date of disannexation.

Requires that a petition for disannexation be in writing, request the disannexation, describe the area to be disannexed, have a plat or other likeness of the area attached, and be presented to the secretary or clerk of the municipality for verification.

Requires that the disannexed area is not released from its pro rata share of debt owed by the municipality and requires the municipality to continue and collect property taxes in the disannexed area, at the same rate, until its pro rata share is collected. Requires that the taxes imposed in the area be charged only with the cost of imposing the taxes, and shall be applied exclusively to the payment of the pro rata share of the indebtedness. Allows the residents in the disannexed area to pay in full their pro rata share of indebtedness at any time.

Prohibits the disannexation of an area from a general-law municipality if the disannexation will result in the municipality having less than one square mile in area or less than one mile in diameter, measured from the center of the original municipal boundaries in any direction.

SECTION 17. *Amends Section 43.142, Local Government Code, as follows:*

Makes conforming changes.

SECTION 18. *Amends Section 43.145(a), Local Government Code, as follows:*

Makes conforming changes.

SECTION 19. *Repeals Local Government Code provisions as follows:*

Sec. 43.023 (Authority of General-Law Municipality with Population of More than 5,000 to Annex Area on Petition and Election of Area Voters). Conforming change.

Sec. 43.024 (Authority of Type A General-Law Municipality to Annex Area on Request of Area Voters). Conforming change.

Sec. 43.025 (Authority of Type B General-Law Municipality to Annex Area on Request of Area Voters). Conforming change.

Sec. 43.026 (Authority of Type A General-Law Municipality to Annex Area it Owns). Conforming change.

Sec. 43.027 (Authority of General-Law Municipality to Annex Navigable Stream). Conforming change.

Sec. 43.029 (Authority of Certain Small Municipalities to Annex Unoccupied Area on Petition of School Board). Conforming change.

Sec. 43.033 (Authority of General-Law Municipality to Annex Area). Conforming change.

Sec. 43.034 (Authority of General-Law Municipality to Annex Area; Certain Municipalities). Conforming change.

Sec. 43.071(f) (Authority to Annex Water or Sewer District). Conforming change.

Sec. 43.101(c) (Annexation of Municipality Owned Reservoir by General-Law Municipality). Conforming change.

Sec. 43.143 (Disannexation by Petition and Election in General-Law Municipality). Conforming change.

Sec. 43.144 (Disannexation of Sparsely Populated Area in General-Law Municipality). Conforming change.

SECTION 20. Transition Clause.

SECTION 21. Effective Date.

EFFECTIVE DATE

Effective date is September 1, 2005 or immediately if approved by two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

EXPLANATION OF AMENDMENTS

Committee Amendment #1 changes references to "40,000" population to "45,000."