

BILL ANALYSIS

C.S.H.B. 328
By: Leibowitz
Land & Resource Management
Committee Report (Substituted)

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.

The purpose of C.S.H.B. 328 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 committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill amends Section 43.141, Local Government Code, to authorize the registered voters of an annexed area to submit a petition to the governing body of a municipality under certain conditions. This bill provides that the number of signatures required for a disannexation petition is the number of registered voters of the area equal to more than 50% of the number of registered voters of the area. Makes other conforming changes.

This bill requires the municipality to certify whether such a petition is valid, and if it is certified as valid, this bill 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 accordance with the service plan and complied with Section 43.056, Local Government Code. Makes other conforming changes.

This bill provides that the change in law made by this Act to Section 43.141, Local Government Code, applies only to a disannexation for which a petition is submitted to a municipality on or after the effective date of this Act. A disannexation for which the petition was submitted before the effective date of this Act is governed by the law in effect at the time the petition was submitted, and the former law is continued in effect for that purpose.

This bill provides for an effective date (September 1, 2007).

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Committee Substitute changes the number of signatures required for a disannexation petition from the number of registered voters of the area equal to more than 50% of the number of voters of the area who voted in the most recent municipal election (as found in the Original) to the number of registered voters of the area equal to more than 50% of the number of registered voters of the area. The Committee Substitute also requires a municipality challenging a disannexation in court to prove they complied with Section 43.056, Local Government Code, as well as the service plan.

C.S.H.B. 328 80(R)

