

By: Leibowitz

H.B. No. 328

Substitute the following for H.B. No. 328:

By: Callegari

C.S.H.B. No. 328

A BILL TO BE ENTITLED

AN ACT

1 relating to the procedure for the disannexation of territory from a
2 municipality.
3

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

5 SECTION 1. Sections 43.141(a) and (b), Local Government
6 Code, are amended to read as follows:

7 (a) The registered [~~A majority of the qualified~~] voters of
8 an annexed area may submit a petition to the governing body of the
9 municipality to require disannexation of [~~disannex~~] the area if the
10 municipality fails or refuses to provide services or to cause
11 services to be provided to the area within the period specified by
12 Section 43.056 or by the service plan prepared for the area under
13 that section. The petition must contain the signatures of a number
14 of registered voters of the area equal to more than 50 percent of
15 the number of registered voters of the area.

16 (b) The [~~If the~~] governing body shall certify whether a
17 petition submitted under Subsection (a) is valid. If the petition
18 is certified as valid, the municipality shall [~~fails or refuses to~~]
19 disannex the area within 60 days after the date the petition is
20 certified unless within that period the municipality brings [~~of the~~
21 ~~receipt of the petition, any one or more of the signers of the~~
22 ~~petition may bring~~] a cause of action in a district court of the
23 county in which the area is principally located to request that the
24 area remain annexed to the municipality [~~be disannexed~~]. On the

1 filing of an answer by any registered voter who signed the petition
2 [~~the governing body~~], and on application of either party, the case
3 shall be advanced and heard without further delay in accordance
4 with the Texas Rules of Civil Procedure. The district court shall
5 enter an order disannexing the area if the court finds that a valid
6 petition was filed with the municipality unless the court finds
7 [~~and that~~] the municipality performed [~~failed to perform~~] its
8 obligations in accordance with the service plan and Section 43.056.
9 Either party may request that the factual determinations in the
10 proceeding be made by a jury [~~or failed to perform in good faith~~].

11 SECTION 2. The change in law made by this Act to Section
12 43.141, Local Government Code, applies only to a disannexation for
13 which a petition is submitted to a municipality on or after the
14 effective date of this Act. A disannexation for which the petition
15 was submitted before the effective date of this Act is governed by
16 the law in effect at the time the petition was submitted, and the
17 former law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2007.