

By: Mowery

H.B. No. 520

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of the procedural requirements of a municipal annexation plan.

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

SECTION 1. Subchapter C, Chapter 43, Local Government Code, is amended by adding Section 43.058 to read as follows:

Sec. 43.058. ENFORCEMENT OF PROCEDURAL REQUIREMENTS.

(a) The voters of an area identified by an annexation plan or an area annexed under an annexation plan, by petition, may request the attorney general or the district attorney of the county in which a majority of the area is located to initiate appropriate legal proceedings if the voters believe that the annexing municipality has failed to comply with the procedural requirements imposed by this subchapter.

(b) The petition must:

(1) be signed by at least 10 percent of the registered voters of the area;

(2) be filed with the county clerk of the county in which a majority of the area is located;

(3) contain a statement of the facts showing the procedural violation; and

(4) contain a statement of the form of legal proceeding requested.

(c) The county clerk shall verify the signatures on the

1 petition not later than the 15th day after the date the petition is
2 filed. The county clerk shall forward the petition to the attorney
3 general or district attorney, as appropriate, not later than the
4 10th day after the date the county clerk verifies the petition is
5 valid.

6 (d) The attorney general or district attorney, as
7 appropriate, shall conduct an investigation of the facts presented
8 in the petition.

9 (e) If the attorney general or district attorney, as
10 appropriate, determines that the facts presented in the petition
11 support initiating the legal proceeding requested, the attorney
12 general or district attorney shall initiate the appropriate legal
13 action.

14 (f) If the attorney general or district attorney, as
15 appropriate, determines that the facts presented in the petition do
16 not support initiating the legal proceeding requested, the attorney
17 general or the district attorney may refuse to take action under
18 this section. If the attorney general or the district attorney does
19 not take action under this section, the decision must be made in
20 writing and filed with the county clerk.

21 SECTION 2. Section 43.062(a), Local Government Code, is
22 amended to read as follows:

23 (a) Sections 43.051, 43.054, 43.0545, 43.055, 43.0565,
24 43.0567, ~~and~~ 43.057, and 43.058 apply to the annexation of an area
25 to which this subchapter applies.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 520

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2007.