

## **BILL ANALYSIS**

H.B. 1424  
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Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Local Government Code allows the qualified voters of an annexed area to petition the governing body of the municipality to disannex the area if the municipality fails or refuses to provide services to the area within a specified period. If the municipality fails or refuses to disannex the area within a specified period of time, any one or more of the signers of the petition may bring a cause of action in district court to request that the area be disannexed. The district court is required to enter an order disannexing the area if the court finds that a valid petition was filed with the municipality and that the municipality failed to perform its obligations in accordance with the service plan or failed to perform in good faith.

H.B. 1424 makes it easier for residents in annexed areas to have the area disannexed if they do not receive promised services.

### **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**

H.B. 1424 amends the Local Government Code to clarify that a petition submitted to the governing body of a municipality, to require disannexation of an area under certain conditions, must contain the signatures of a number of registered voters of the area equal to more than 50 percent of the number of registered voters of the area.

H.B. 1424 requires the governing body of the municipality to certify whether a petition submitted for disannexation is valid and, if so, to disannex the area in question within 60 days after the date of the certification of the petition, unless within that period the municipality brings a course of action in a district court to request that the area remain annexed to the municipality. The bill removes the provision that authorizes any one or more of the signers of a petition to bring a cause of action in a district court of the county in which the area is principally located against a governing body that fails or refuses to disannex an area within 60 days after the date of the receipt of the petition. The bill authorizes any registered voter who signed the petition to file an answer. The bill requires the district court to enter an order disannexing the area if it finds that the petition is valid, unless the court finds that the municipality performed its obligations to provide services in accordance with the annexation service plan and law relating to municipal annexation. The bill authorizes either party to request that the factual determinations in the proceeding be made by a jury. The bill removes the provision that the court must enter an order disannexing the area if it finds that a valid petition was filed and that the municipality failed to perform its obligations in accordance with the service plan or failed to perform in good faith.

### **EFFECTIVE DATE**

September 1, 2009.