

By: Brown of Brazos

H.B. No. 98

A BILL TO BE ENTITLED

AN ACT

relating to a court order to disannex an area from a municipality.

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

SECTION 1. Section 43.141(b), Local Government Code, is amended to read as follows:

(b) If the governing body fails or refuses to disannex the area within 60 days after the date of the receipt of the petition, any one or more of the signers of the petition may bring a cause of action in a district court of the county in which the area is principally located to request that the area be disannexed. On the filing of an answer by the governing body, and on application of either party, the case shall be advanced and heard without further delay in accordance with the Texas Rules of Civil Procedure. The district court shall 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 Section 43.056 or the service plan if the plan provides for a higher level of services than those required by Section 43.056 [~~or failed to perform in good faith~~].

SECTION 2. The change in law made by Section 43.141(b), Local Government Code, as amended by this Act, applies only to a cause of action filed on or after the effective date of this Act. A cause of action that is filed before the effective date of this Act is governed by the law in effect immediately before the effective

1 date of this Act, and that law is continued in effect for that  
2 purpose.

3 SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2009.