

By: Oliveira

H.B. No. 4612

A BILL TO BE ENTITLED

AN ACT

relating to annexation by and disannexation from certain municipalities.

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 43.0547 to read as follows:

Sec. 43.0547. COMPACTNESS REQUIREMENT FOR ANNEXATION IN CERTAIN COUNTIES. (a) Notwithstanding any other law, a municipality in a county that contains an international border and borders the Gulf of Mexico may not annex an area unless:

(1) the area is compact; and

(2) the addition of the area to the municipality serves the goal of creating a single compact municipal area.

(b) For purposes of this section, the area to be annexed is compact if it is concentrated in a single area. The addition of an area to a municipality serves the goal of creating a single compact municipal area if the action does not create enclaves, pockets, or finger areas.

SECTION 2. Subchapter C, Chapter 43, Local Government Code, is amended by adding Section 43.058 to read as follows:

Sec. 43.058. PROHIBITION AGAINST ANNEXATION TO SURROUND MUNICIPALITY IN CERTAIN COUNTIES. A municipality in a county that contains an international border and borders the Gulf of Mexico may not annex an area if the annexation or the resulting expansion of

1 the annexing municipality's extraterritorial jurisdiction will
2 cause another municipality to be entirely surrounded by the
3 annexing municipality or the extraterritorial jurisdiction of the
4 annexing municipality.

5 SECTION 3. Subchapter Z, Chapter 43, Local Government Code,
6 is amended by adding Section 43.908 to read as follows:

7 Sec. 43.908. REQUIRED ANNEXATION BY AND DISANNEXATION FROM
8 CERTAIN MUNICIPALITIES. (a) A municipality in a county that
9 contains an international border and borders the Gulf of Mexico
10 shall:

11 (1) not later than December 1, 2009, include in the
12 municipality's annexation plan each unincorporated area that is
13 entirely surrounded by the incorporated territory of the
14 municipality; and

15 (2) not later than December 1, 2012, annex each area
16 described by Subdivision (1).

17 (b) Not later than January 1, 2010, a municipality described
18 by Subsection (a) shall disannex each area that was annexed by the
19 municipality on or after January 1, 2002, unless:

20 (1) the area is compact; and

21 (2) the addition of the area to the municipality
22 serves the goal of creating a single compact municipal area.

23 (c) For purposes of this section, the area to be annexed is
24 compact if it is concentrated in a single area. The addition of an
25 area to a municipality serves the goal of creating a single compact
26 municipal area if the action does not create enclaves, pockets, or
27 finger areas.

1 (d) This section expires September 1, 2013.

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