

BILL ANALYSIS

H.B. 107
By: Brown
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, voter approval is not required in regard to certain home-rule municipality annexation. In such a case, some interested parties believe that a community is forced to join another community and lose autonomy. Some believe that a community to be annexed should be given democratic due process and be allowed to vote on the issue and the future of the community. H.B. 107 seeks a statutory change relating to requiring certain home-rule municipalities to obtain annexation approval from voters in the area to be annexed. The bill intends to promote limited government and private property rights and ensure municipalities are not unwillingly annexed.

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. 107 amends the Local Government Code to authorize a home-rule municipality located in a county with a population of less than 185,000 and in which two or more municipalities with a population of more than 65,000 are wholly located to annex an area with 50 or more inhabitants only if the municipality holds an election in the area to be annexed for which the ballots are printed to provide for voting for or against the applicable annexation proposition and a majority of the votes received at the election favor the annexation. The bill sets out requirements for the ballot language, providing for a general description of the area to be annexed, prohibiting the general description from being a metes and bounds description or a legal description, and providing that the general description need not exactly describe the boundaries of the area. The bill authorizes the description to refer to land features, landmarks, streets or highways, subdivision names, or other commonly understood points of reference to provide the voters with a reasonable general understanding of the area to be annexed.

H.B. 107 requires the election order and the notice of the election to describe the area to be annexed by metes and bounds or by a legal description and to generally describe the area to be annexed. The bill makes this general description subject to the same provisions that apply to the general description on a ballot proposition.

H.B. 107, if the annexation is not approved, prohibits the municipality from initiating annexation proceedings in any part of the area until after the fifth anniversary of the date of the election.

EFFECTIVE DATE

September 1, 2011.