

BILL ANALYSIS

C.S.H.B. 1477
By: Callegari
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that following the amendment to the state constitution establishing home-rule cities over a century ago, Texas cities engaged in aggressive annexation without incurring any obligation to provide new services in annexed areas. These parties note that in response to this situation the Texas Legislature passed legislation nearly half a century ago regulating numerous aspects of municipal annexation, including the requirement to furnish services equal to those provided to other areas of the city with similar characteristics of topography, patterns of land use, and population density. The parties point out that the legislation also provided for a separate procedure for disannexation if a municipality failed to provide required services and contend that several decades ago, the legislative recodification of that act resulted in a lack of clarity in legislative intent regarding disannexation of an area. C.S.H.B. 1477 seeks to address certain matters relating to a court order to disannex an area from a municipality and to clarify legislative intent regarding such matters.

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

C.S.H.B. 1477 amends the Local Government Code to add as a required condition under which a district court with a valid petition is required to enter an order disannexing an area a municipality's failure to perform its obligations in accordance with statutory provisions relating to providing full municipal services to an area annexed under a municipal annexation plan, in addition to a municipality's failure to perform its obligations in accordance with a service plan prepared under such provisions. The bill removes a municipality's failure to perform its obligations in good faith as a condition under which a district court is required to enter such an order upon such a finding.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1477 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 43.141(b), Local	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 the service plan or with the provisions of Section 43.056 ~~[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 relating to a petition submitted as provided by Section 43.141(a), Local Government Code, to the governing body of a municipality on or after the effective date of this Act. A cause of action relating to a petition submitted before the effective date of this Act is governed by the law in effect on the date the petition was submitted, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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 the service plan and the provisions of Section 43.056 ~~[or failed to perform in good faith]~~.

SECTION 2. The change in law made by this Act applies only to an area annexed on or after the effective date of this Act. An area annexed before the effective date of this Act is governed by the law in effect on the date the area was annexed, and the former law is continued in effect for that purpose.

SECTION 3. Same as introduced version.