

By: M. Gonzalez of El Paso

H.B. No. 2005

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain home-rule municipalities to obtain annexation approval from voters in the area to be annexed.

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

SECTION 1. Subchapter B, Chapter 43, Local Government Code, is amended by adding Section 43.0225 to read as follows:

Sec. 43.0225. VOTER APPROVAL IN AREA TO BE ANNEXED BY CERTAIN HOME-RULE MUNICIPALITIES REQUIRED. (a) This section applies only to a home-rule municipality with a population of more than 21,000 and less than 46,000 that is located in a county with a population of more than 775,000 and less than 1.7 million.

(b) A home-rule municipality may annex an area with 50 or more inhabitants only if:

(1) 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 proposition: "Annexation of the area described in the municipal order calling this election, generally described as (a general description of the area to be annexed)"; and

(2) a majority of the votes received at the election favor the annexation.

(c) The general description on the ballot proposition may not be a metes and bounds description or a legal description and need not exactly describe the boundaries of the area. The description may refer to land features, landmarks, streets or

1 highways, subdivision names, or other commonly understood points of
2 reference to provide the voters with a reasonable general
3 understanding of the area to be annexed.

4 (d) The election order and the notice of the election must
5 describe the area to be annexed by metes and bounds or by a legal
6 description and must generally describe the area to be annexed. The
7 general description is subject to the same provisions that apply
8 under Subsection (c) to the general description on a ballot
9 proposition.

10 (e) If the annexation is not approved as required by
11 Subsection (b), the municipality may not initiate annexation
12 proceedings in any part of the area until after the fifth
13 anniversary of the date of the election.

14 SECTION 2. Section 43.0225, Local Government Code, as added
15 by this Act, applies only to an annexation for which the first
16 hearing notice required by Section 43.0561 or 43.063, Local
17 Government Code, as applicable, is published on or after the
18 effective date of this Act. An annexation for which the first
19 hearing notice is published before that date is governed by the law
20 in effect at the time the notice is published, and the former law is
21 continued in effect for that purpose.

22 SECTION 3. This Act takes effect September 1, 2013.