

By: Schofield

H.B. No. 1952

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for municipal annexation by certain municipalities.

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 43.0215 to read as follows:

Sec. 43.0215. VOTER APPROVAL OF CERTAIN ANNEXATIONS REQUIRED FOR CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of 1.5 million or more.

(b) Notwithstanding any other law, a municipality may annex an area for full or limited purposes under this chapter only if, in addition to the requirements of this chapter, one of the following conditions is met:

(1) the municipality holds an election in the area proposed to be annexed and a majority of the votes received at the election approve the annexation;

(2) a majority of the registered voters of the area request the governing body of the municipality in writing to annex the area;

(3) each owner of land in the area requests the governing body of the municipality in writing to annex the area; or

(4) the municipality owns the area.

(c) A municipality shall order an election on the question of annexing an area under this section to be held on the first

1 November uniform election date that falls on or after the 78th day
2 after the date the second public hearing required by Section
3 43.063, 43.0751, or 43.124, as applicable, is held.

4 (d) A municipality must hold an election under this section
5 in the same manner as a general election of the municipality. The
6 municipality shall pay for the costs of holding the election.

7 (e) A municipality that holds an election under this section
8 at which the annexation of an area is not approved by the voters may
9 not hold another election on the question of annexing any part of
10 that area before the fifth anniversary of the date of the election.

11 SECTION 2. Section 43.064, Local Government Code, is
12 amended by amending Subsection (a) and adding Subsections (c) and
13 (d) to read as follows:

14 (a) Except as provided by Subsection (c), if the [The]
15 annexation of an area is not [must be] completed on or before the
16 90th day [within 90 days] after the date the governing body
17 institutes the annexation proceedings, [or] those proceedings are
18 void. [Any period during which the municipality is restrained or
19 enjoined by a court from annexing the area is not included in
20 computing the 90-day period.]

21 (c) If the annexation of an area for which an election is
22 held under Section 43.0215 is not completed on or before the 90th
23 day after the date the election is held, the annexation proceedings
24 are void.

25 (d) Any period during which a municipality is restrained or
26 enjoined by a court from annexing an area is not included in
27 computing a 90-day period described by Subsection (a) or (c).

1 SECTION 3. Section 43.126, Local Government Code, is
2 amended to read as follows:

3 Sec. 43.126. PERIOD FOR COMPLETION OF ANNEXATION. (a)
4 Except as provided by Subsection (b), the [The] annexation of an
5 area for limited purposes must be completed within 90 days after the
6 date the governing body institutes the annexation proceedings.

7 (b) If the annexation of an area for which an election is
8 held under Section 43.0215 is not completed on or before the 90th
9 day after the date the election is held, the election and annexation
10 proceedings are void.

11 SECTION 4. (a) Except as provided by Subsection (b) of this
12 section, the change in law made by Section 43.0215, Local
13 Government Code, as added by this Act, applies only to the
14 annexation of an area that is not final on the effective date of
15 this Act. A municipality that has taken action to annex an area
16 before the effective date of this Act may hold an election on the
17 question of annexation on the later of the date prescribed by
18 Section 43.0215(c), Local Government Code, as added by this Act, or
19 the first uniform election date that falls on or after the 78th day
20 after the effective date of this Act.

21 (b) The change in law made by Section 43.0215, Local
22 Government Code, as added by this Act, does not apply to the
23 annexation of an area included in a strategic partnership agreement
24 entered into between a municipality and a district under Section
25 43.0751, Local Government Code, before the effective date of this
26 Act.

27 SECTION 5. This Act takes effect immediately if it receives

H.B. No. 1952

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2017.