

## **BILL ANALYSIS**

Senate Research Center

S.B. 746  
By: Campbell et al.  
Intergovernmental Relations  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, residents of tier 2 counties (population of 500,000 or more) can vote on whether or not they want to be annexed by a city, but residents of tier 1 counties (less than 500,000 in population) cannot without petitioning the county commissioners court with 10 percent of the county's registered voters to call for an election.

An analysis of tier 1 counties that have been successful in petitioning for the right to vote shows that these are more rural counties with less populated cities. For counties with larger city populations that still fall under the 500,000 population threshold, 10 percent can be a difficult burden to overcome.

S.B. 746 seeks to provide more residents access to voting on annexation by lowering the petition threshold at the county level from 10 percent to seven percent of registered voters.

In addition, S.B. 746 provides protections for residents of tier 2 counties who have rejected annexation at the ballot box, requiring cities to wait at least five years before attempting to annex the same property. (Original Author's/Sponsor's Statement of Intent)

S.B. 746 amends current law relating to certain procedures associated with voter approval of municipal annexation.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 43, Local Government Code, by adding Section 43.004, as follows:

Sec. 43.004. PETITION FOR ELECTION ON CONSIDERATION AS TIER 2 COUNTY. (a) Authorizes the registered voters of a tier 1 county to file a petition with the commissioners court of the county requesting an election in the county to determine whether the county should be considered a tier 2 county for the purposes of this chapter (Municipal Annexation). Requires the petition to contain the signatures of at least seven percent of the registered voters of the county.

(b) Requires the commissioners court of a county that receives a petition for an election under Subsection (a) to verify the signatures on the petition, and if the county verifies that the petition satisfies the signature requirement under Subsection (a), to order the election and provide notice of the verified petition as soon as practicable to the governing body of each municipality located wholly or partly in the county or with extraterritorial jurisdiction in the county.

(c) Provides that if a majority of the votes cast at an election held under Subsection (b) favor the proposition, the county is considered a tier 2 county for the purposes of this chapter.

SECTION 2. Amends Section 43.0686(b), Local Government Code, to prohibit a municipality, if the municipality does not obtain the number of signatures on the petition required to annex the area, from annexing any part of the area and from adopting another resolution under Section 43.0682 (Resolution) to annex any part of the area until the fifth anniversary of the date the petition period ended, rather than prohibiting a municipality, if the municipality does not obtain the number of signatures on the petition required to annex the area from annexing the area and from adopting another resolution under Section 43.0682 to annex the area until the first anniversary of the donate the petition period ended.

SECTION 3. Amends Section 43.0697(b), Local Government Code, to make conforming changes to prohibit a municipality, if at the election held under this subchapter a majority of qualified voters do not approve the proposed annexation, or if the municipality is required to petition owners of land in the area under Section 43.0695 (Property Owner Consent Required For Certain Areas) and does not obtain the required number of signatures, from annexing any part of the area and from adopting another resolution under Section 43.0692 (Resolution) to annex any part of the area until the fifth, rather than the first, anniversary of the date of adoption of this resolution.

SECTION 4. Amends Section 43.001(3), Local Government Code, to define "tier 2 county" as a county that is not a tier 1 county and to delete existing text defining "tier 2 county" as a tier 1 county in which a majority of the registered voters of the county have approved being a tier 2 county at an election ordered by the commissioners court on the request by petition of a number of registered voters of the county equal to or greater than 10 percent of the registered voters of the county.

SECTION 5. Effective date: upon passage or September 1, 2019.