

By: Campbell, et al.
(Cortez)

S.B. No. 746

A BILL TO BE ENTITLED

AN ACT

relating to certain procedures associated with voter approval of
municipal annexation.

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

SECTION 1. Subchapter A, Chapter 43, Local Government Code,
is amended by adding Section 43.004 to read as follows:

Sec. 43.004. PETITION FOR ELECTION ON CONSIDERATION AS TIER
2 COUNTY. (a) The registered voters of a tier 1 county may 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. The
petition must contain the signatures of at least seven percent of
the registered voters of the county.

(b) The commissioners court of a county that receives a
petition for an election under Subsection (a) shall:

(1) verify the signatures on the petition; and

(2) if the county verifies that the petition satisfies
the signature requirement under Subsection (a):

(A) order the election; and

(B) provide notice of the verified petition as
soon as practicable to the governing body of each municipality:

(i) located wholly or partly in the county;

or

(ii) with extraterritorial jurisdiction in

1 the county.

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

5 SECTION 2. Section 43.0686(b), Local Government Code, is
6 amended to read as follows:

7 (b) If the municipality does not obtain the number of
8 signatures on the petition required to annex the area, the
9 municipality may not annex any part of the area and may not adopt
10 another resolution under Section 43.0682 to annex any part of the
11 area until the fifth [~~first~~] anniversary of the date the petition
12 period ended.

13 SECTION 3. Section 43.0697(b), Local Government Code, is
14 amended to read as follows:

15 (b) If at the election held under this subchapter a majority
16 of qualified voters do not approve the proposed annexation, or if
17 the municipality is required to petition owners of land in the area
18 under Section 43.0695 and does not obtain the required number of
19 signatures, the municipality may not annex any part of the area and
20 may not adopt another resolution under Section 43.0692 to annex any
21 part of the area until the fifth [~~first~~] anniversary of the date of
22 the adoption of the resolution.

23 SECTION 4. Section 43.001(3), Local Government Code, is
24 amended to read as follows:

25 (3) "Tier 2 county" means a county that [+
26 [~~(A)~~] is not a tier 1 county [~~, or~~
27 [~~(B)~~ is a tier 1 county in which a majority of the

1 ~~registered voters of the county have approved being a tier 2 county~~
2 ~~at an election ordered by the commissioners court on the request by~~
3 ~~petition of a number of registered voters of the county equal to or~~
4 ~~greater than 10 percent of the registered voters of the county].~~

5 SECTION 5. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2019.