

By: Bettencourt

S.B. No. 1302

A BILL TO BE ENTITLED

AN ACT

relating to certain areas exempt from municipal annexation.

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

SECTION 1. Section 43.016, Local Government Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) For purposes of Section 43.003(2) or another law, including a municipal charter or ordinance, relating to municipal authority to annex an area adjacent to the municipality, an area that is not adjacent or contiguous to the municipality but is adjacent or contiguous to an area that is the subject of a development agreement described by Subsection (b)(1) is considered adjacent or contiguous to the municipality only if the area subject to the agreement is adjacent or contiguous to the municipality.

(c-1) The execution of a development agreement described by Subsection (b)(1) extends the extraterritorial jurisdiction of the municipality only if the area subject to the agreement is adjacent or contiguous to that municipality.

SECTION 2. Subchapter A-1, Chapter 43, Local Government Code, is amended by adding Section 43.018 to read as follows:

Sec. 43.018. PROHIBITION AGAINST CERTAIN ANNEXATIONS RESULTING IN ENCLAVE. (a) In this section, "enclave" means an area located in a municipality's extraterritorial jurisdiction that is wholly surrounded by the incorporated area of the municipality.

1        (b) A municipality may not annex an area if the annexation  
2 creates an enclave unless the enclave is the subject of a  
3 development agreement under Section 212.172.

4        SECTION 3. Section 43.057, Local Government Code, is  
5 repealed.

6        SECTION 4. The changes in law made by this Act apply only to  
7 the annexation of an area that is not final on the effective date of  
8 this Act.

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