

By: Hinojosa

S.B. No. 1870

A BILL TO BE ENTITLED

AN ACT

relating to municipal annexation.

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

SECTION 1. Sections 43.001(2) and (3), Local Government Code, are amended to read as follows:

(2) "Tier 1 municipality [~~county~~]" means a municipality [~~county~~]:

(A) with a population of less than 500,000; and

(B) that is not a municipality [~~county~~] that contains a freshwater fisheries center operated by the Texas Parks and Wildlife Department.

(3) "Tier 2 municipality [~~county~~]" means a municipality [~~county~~] that ~~+~~

~~[(A)] is not a tier 1 municipality [~~county~~], or~~  
~~[(B)] is 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 2. 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 MUNICIPALITY. (a) The registered voters of a county that includes a tier 1 municipality may file a petition with the county

1 commissioners court requesting an election in the county to  
2 determine whether the tier 1 municipality should be considered a  
3 tier 2 municipality for the purposes of this chapter. The petition  
4 must contain the signatures of at least 10 percent of the registered  
5 voters of the county.

6 (b) A county commissioners court that receives a petition  
7 for an election under Subsection (a) shall:

8 (1) verify the signatures on the petition; and

9 (2) order the election if the county verifies that the  
10 petition satisfies the signature requirement under Subsection (a).

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

14 SECTION 3. Section 43.054(a), Local Government Code, is  
15 amended to read as follows:

16 (a) A municipality may not annex a publicly or privately  
17 owned area, including a strip of area following the course of a  
18 road, highway, river, stream, or creek, unless the width of the area  
19 at its narrowest point is at least 50 [~~1,000~~] feet.

20 SECTION 4. Section 43.0662, Local Government Code, is  
21 transferred to Subchapter B, Chapter 43, Local Government Code, and  
22 redesignated as Section 43.035, Local Government Code, to read as  
23 follows:

24 Sec. 43.035 [~~43.0662~~]. AUTHORITY OF MUNICIPALITY WITH  
25 POPULATION OF 74,000 TO 99,700 IN URBAN COUNTY TO ANNEX SMALL,  
26 SURROUNDED GENERAL-LAW MUNICIPALITY. (a) Notwithstanding  
27 Subchapter C-4 or C-5, a municipality that has a population of

1 74,000 to 99,700, that is located wholly or partly in a county with  
2 a population of more than 1.8 million, and that completely  
3 surrounds and is contiguous to a general-law municipality with a  
4 population of less than 600, may annex the general-law municipality  
5 as provided by this section.

6 (b) The governing body of the smaller municipality may adopt  
7 an ordinance ordering an election on the question of consenting to  
8 the annexation of the smaller municipality by the larger  
9 municipality. The governing body of the smaller municipality shall  
10 adopt the ordinance if it receives a petition to do so signed by a  
11 number of qualified voters of the municipality equal to at least 10  
12 percent of the number of voters of the municipality who voted in the  
13 most recent general election. If the ordinance ordering the  
14 election is to be adopted as a result of a petition, the ordinance  
15 shall be adopted within 30 days after the date the petition is  
16 received.

17 (c) The ordinance ordering the election must provide for the  
18 submission of the question at an election to be held on the first  
19 uniform election date prescribed by Chapter 41, Election Code, that  
20 occurs after the 30th day after the date the ordinance is adopted  
21 and that affords enough time to hold the election in the manner  
22 required by law.

23 (d) Within 10 days after the date on which the election is  
24 held, the governing body of the smaller municipality shall canvass  
25 the election returns and by resolution shall declare the results of  
26 the election. If a majority of the votes received is in favor of the  
27 annexation, the secretary of the smaller municipality or other

1 appropriate municipal official shall forward by certified mail to  
2 the secretary of the larger municipality a certified copy of the  
3 resolution.

4 (e) The larger municipality, within 90 days after the date  
5 the resolution is received, must complete the annexation by  
6 ordinance in accordance with its municipal charter or the general  
7 laws of the state. If the annexation is not completed within the  
8 90-day period, any annexation proceeding is void and the larger  
9 municipality may not annex the smaller municipality under this  
10 section. However, the failure to complete the annexation as  
11 provided by this subsection does not prevent the smaller  
12 municipality from holding a new election on the question to enable  
13 the larger municipality to annex the smaller municipality as  
14 provided by this section.

15 (f) If the larger municipality completes the annexation  
16 within the prescribed period, the incorporation of the smaller  
17 municipality is abolished. The records, public property, public  
18 buildings, money on hand, credit accounts, and other assets of the  
19 smaller municipality become the property of the larger municipality  
20 and shall be turned over to the officers of that municipality. The  
21 offices in the smaller municipality are abolished and the persons  
22 holding those offices are not entitled to further remuneration or  
23 compensation. All outstanding liabilities of the smaller  
24 municipality are assumed by the larger municipality.

25 (g) In the annexation ordinance, the larger municipality  
26 shall adopt, for application in the area zoned by the smaller  
27 municipality, the identical comprehensive zoning ordinance that

1 the smaller municipality applied to the area at the time of the  
2 election. Any attempted annexation of the smaller municipality  
3 that does not include the adoption of that comprehensive zoning  
4 ordinance is void. That comprehensive zoning ordinance may not be  
5 repealed or amended for a period of 10 years unless the written  
6 consent of the landowners who own at least two-thirds of the surface  
7 land of the annexed smaller municipality is obtained.

8 (h) If the annexed smaller municipality has on hand any bond  
9 funds for public improvements that are not appropriated or  
10 contracted for, the funds shall be kept in a separate special fund  
11 to be used only for public improvements in the area for which the  
12 bonds were voted.

13 (i) On the annexation, all claims, fines, debts, or taxes  
14 due and payable to the smaller municipality become due and payable  
15 to the larger municipality and shall be collected by it. If taxes  
16 for the year in which the annexation occurs have been assessed in  
17 the smaller municipality before the annexation, the amounts  
18 assessed remain as the amounts due and payable from the inhabitants  
19 of the smaller municipality for that year.

20 (j) This section does not affect a charter provision of a  
21 home-rule municipality. This section grants additional power to  
22 the municipality and is cumulative of the municipal charter.

23 SECTION 5. Section [43.1025\(c\)](#), Local Government Code, is  
24 amended to read as follows:

25 (c) The area described by Subsection (b) may be annexed  
26 under the requirements applicable to a tier 1 [~~2~~] municipality, but  
27 the annexation may not occur unless each municipality in whose

1 extraterritorial jurisdiction the area may be located:

2 (1) consents to the annexation; and

3 (2) reduces its extraterritorial jurisdiction over  
4 the area as provided by Section [42.023](#).

5 SECTION 6. Sections [43.001](#)(4) and (5), Local Government  
6 Code, are repealed.

7 SECTION 7. This Act takes effect September 1, 2019.