

BILL ANALYSIS

S.B. 1499
By: Buckingham
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2017, the legislature passed legislation preventing municipalities from forcibly annexing areas without the consent of a majority of the property owners residing in the area to be annexed. In 2019, the legislature passed legislation removing the "tier" designations from statute, giving property owners in all counties, regardless of population, the same protections against forcible annexation. However, there were some areas that were forcibly annexed by municipalities against the desires of property owners in those areas prior to the legislation's enactment. One of those areas is Lost Creek, a central Texas community which fought annexation for years, only to be annexed against the community's wishes. S.B. 1499 seeks to address this issue by providing for an election on the disannexation of this community.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1499 amends the Local Government Code to require a municipality, on November 2, 2021, to hold an election in an area with the following characteristics on the question of disannexing the area from the municipality:

- the area contains:
 - an access point to a greenbelt; and
 - at least 1,200 single-family homes;
- the area is separated from two municipalities other than the municipality in which the area is located only by a highway; and
- before annexation:
 - the area was part of a single census designated place; and
 - the area was served by a municipal utility district that owned a water treatment and storage facility.

S.B. 1499 prohibits the municipality from using public money on promotional campaigns or advocacy related to the election and requires the municipality to ensure that the ballot proposition for the election does the following:

- describes the area to be disannexed;
- identifies the area by the commonly used name of the area, if applicable;
- identifies the entities that will provide law enforcement, fire, and emergency services after disannexation;

- describes the effect of disannexation on property taxes and fees in the area; and
- describes the effect of disannexation on special districts located in the area.

S.B. 1499 requires the municipality to disannex the area, including residential and commercial property in the area, if the voters approve the disannexation in the election. The bill requires the municipality to retain ownership of the water treatment and storage facility after disannexation if the facility was transferred to the municipality during annexation. The bill authorizes the dissolution of a special district located in and serving the area if the area is disannexed, but only if the members of the district's governing body elect to dissolve the district after the disannexation and requires an emergency services district that is adjacent to the area to provide services to the area.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.