S.B. No. 1338

AN ACT

relating to disclosure requirements for agreements consenting to 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.  REQUIRED DISCLOSURE BEFORE ANNEXATION AGREEMENT. (a) At the time a municipality makes an offer to a landowner to enter into an agreement in which the landowner consents to annexation, the municipality must provide the landowner with the written disclosure described by Section 212.172(b-1).

(b)  An annexation agreement for which a disclosure is not provided in accordance with Subsection (a) is void.

SECTION 2.  Section 212.172, Local Government Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1)  At the time a municipality makes an offer to a landowner to enter into an agreement under this subchapter, the municipality must provide the landowner with a written disclosure that includes:

(1)  a statement that the landowner is not required to enter into the agreement;

(2)  the authority under which the municipality may annex the land with references to relevant law;

(3)  a plain-language description of the annexation procedures applicable to the land;

(4)  whether the procedures require the landowner's consent; and

(5)  a statement regarding the municipality's waiver of immunity to suit.

(b-2)  An agreement for which a disclosure is not provided in accordance with Subsection (b-1) is void.

SECTION 3.  This Act takes effect September 1, 2021.

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I hereby certify that S.B. No. 1338 passed the Senate on April 19, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 11, 2021, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 1338 passed the House, with amendment, on May 4, 2021, by the following vote: Yeas 145, Nays 0, two present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor