

By: Dean

H.B. No. 3053

Substitute the following for H.B. No. 3053:

By: Burns

C.S.H.B. No. 3053

A BILL TO BE ENTITLED

AN ACT

relating to the municipal disannexation of certain areas annexed during a certain period of time.

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

SECTION 1. Subchapter G, Chapter 43, Local Government Code, is amended by adding Section 43.1463 to read as follows:

Sec. 43.1463. DISANNEXTION OF AREAS ANNEXED DURING TRANSITION FROM NONCONSENT TO CONSENT ANNEXATION MODEL. (a) This section applies only to an area annexed for full purposes by a municipality with a population of 500,000 or more by an ordinance adopted by the governing body of the municipality between March 3, 2015, and December 1, 2017.

(b) This section does not apply to a municipality whose extraterritorial jurisdiction is adjacent to or includes all or part of a federal military installation in active use as of May 1, 2023.

(c) A municipality shall hold an election in an area described by Subsection (a) on the question of disannexing the area from the municipality. The municipality:

(1) may not use public money on promotional campaigns or advocacy related to the election; and

(2) shall ensure that the ballot proposition for the election:

(A) describes the area to be disannexed;

1           (B) identifies the area by the commonly used name  
2 of the area, if applicable;

3           (C) identifies the entities that will provide law  
4 enforcement, fire, and emergency services after disannexation;

5           (D) describes the effect of disannexation on ad  
6 valorem taxes and fees in the area; and

7           (E) describes the effect of disannexation on  
8 special districts located in the area.

9           (d) A municipality shall disannex an area described by  
10 Subsection (a), including residential and commercial property in  
11 the area, if the voters approve the disannexation in the election  
12 held under Subsection (c).

13           (e) A municipality shall retain ownership of any  
14 infrastructure, including a water treatment and storage facility,  
15 transferred to the municipality from a special district as part of  
16 the annexation of an area disannexed under this section.

17           (f) After an area is disannexed under this section:

18           (1) a special district located in and serving the area  
19 may be dissolved only if the members of the governing body of the  
20 district elect to dissolve the district after the disannexation;  
21 and

22           (2) an emergency services district located in or  
23 adjacent to the area shall provide services to the area.

24           (g) A disannexation under this section does not authorize  
25 the impairment of a municipal debt obligation and, to the extent  
26 applicable, the area is not released from its pro rata share of that  
27 indebtedness. The municipality shall continue to impose a property

1 tax each year on the property in the area at the same rate that is  
2 imposed on other property in the municipality until the taxes  
3 collected from the area equal its pro rata share of the  
4 indebtedness. Those taxes may be charged only with the cost of  
5 imposing and collecting the taxes, and the taxes shall be applied  
6 exclusively to the payment of the pro rata share of the  
7 indebtedness. This subsection does not prevent the inhabitants of  
8 the area from paying in full at any time their pro rata share of the  
9 indebtedness.

10 SECTION 2. A municipality required to hold an election  
11 under Section 43.1463(c), Local Government Code, as added by this  
12 Act, shall hold the election on the first uniform election date  
13 after the effective date of this Act that allows sufficient time to  
14 comply with any requirements of law.

15 SECTION 3. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2023.