

BILL ANALYSIS

Senate Research Center
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S.B. 1844
By: Paxton
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2017, the 85th Legislature passed S.B. 6 during the first special session. S.B. 6 ended forced annexation, the practice in which cities annexed properties without approval by property owners. This was a problem because cities were acting without regard to the citizens' needs by annexing areas to expand their taxable jurisdiction, but not providing city services in return.

Even so, there remain areas of the state where cities assess property taxes but do not deliver city services.

For limited purpose jurisdictions, a city's ordinances and regulations pertaining to land development and the environment, and sometimes health and safety, are extended. Traditionally, a city collects no taxes in limited purpose areas, but thus does not provide municipal services, such as police protection.

This bill builds upon previous annexation reforms to also ensure that a city cannot expand its taxing area into limited purpose jurisdiction areas without a plan to begin to deliver full city services to the limited purpose jurisdiction.

As proposed, S.B. 1844 amends current law relating to disannexation of certain areas of a municipality for failure to provide services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 43.141(a), (b), and (f), Local Government Code, as follows:

(a) Authorizes a majority of the qualified voters of an area, rather than an annexed area, to petition the governing body of the municipality to disannex the area if the municipality fails or refuses to provide services or to cause services to be provided to the area in certain circumstances, including, notwithstanding Section 43.0505 (Applicability), if the area did not become part of the municipality in compliance with Subchapter C (Limitations and Requirements Regarding Annexations Exempted from Consent Annexation Procedures). Makes nonsubstantive changes.

(b) Requires that a case requesting that an area be disannexed, on the filing of an answer by the governing body, and on application of either party, be advanced and heard without further delay in accordance with rules for expedited actions under the Texas Rules of Civil Procedure. Requires the district court to enter an order disannexing the area and award attorney's fees to the signers of the petition if the court finds that a valid petition was filed with the municipality and that the municipality failed to take certain actions, including providing any of the services described by Section 43.056(b) (relating to requirements for a certain service plan) to the area, regardless of whether the area was annexed, if any of those services are provided to other areas in the municipality. Makes nonsubstantive changes.

(f) Requires that notice of a petition, for an area annexed under Chapter 43 (Municipal Annexation), before the petition is circulated among the voters, be given by posting a copy of the petition for 10 days in three public places in the area, rather than the annexed area, and by publishing a copy of the petition once in a newspaper of general circulation serving the area before the 15th day before the date the petition is first circulated.

SECTION 2. Effective date: upon passage or September 1, 2025.