

By: Craddick

H.B. No. 2494

A BILL TO BE ENTITLED

AN ACT

relating to disannexation of certain areas of a municipality for failure to provide services.

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

SECTION 1. Sections 43.141(a), (b), and (f), Local Government Code, are amended to read as follows:

(a) A majority of the qualified voters of an ~~annexed~~ area may 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:

(1) if the area was annexed under Subchapter C-1, within the period specified by Section 43.056 or by the service plan prepared for the area under that section; ~~or~~

(2) if the area was annexed under Subchapter C-3, C-4, or C-5, within the period specified by the written agreement under Section 43.0672 or the resolution under Section 43.0682 or 43.0692, as applicable; or

(3) notwithstanding Section 43.0505, if the area did not become part of the municipality in compliance with Subchapter C.

(b) If the governing body fails or refuses to disannex the area within 60 days after the date of the receipt of the petition, any one or more of the signers of the petition may bring a cause of action in a district court of the county in which the area is

1 principally located to request that the area be disannexed. On the  
2 filing of an answer by the governing body, and on application of  
3 either party, the case shall be advanced and heard without further  
4 delay in accordance with rules for expedited actions under the  
5 Texas Rules of Civil Procedure. The district court shall enter an  
6 order disannexing the area and award attorney's fees to the signers  
7 of the petition if the court finds that a valid petition was filed  
8 with the municipality and that the municipality failed to:

9 (1) perform its obligations in accordance with:

10 (A) the service plan under Section 43.056;

11 (B) the written agreement entered into under  
12 Section 43.0672; or

13 (C) the resolution adopted under Section 43.0682  
14 or 43.0692, as applicable; [~~or~~]

15 (2) perform in good faith; or

16 (3) provide any of the services described by Section  
17 43.056(b) to the area, regardless of whether the area was annexed,  
18 if any of those services are provided to other areas in the  
19 municipality.

20 (f) For an area annexed under this chapter, before [~~Before~~]  
21 the petition is circulated among the voters, notice of the petition  
22 must be given by posting a copy of the petition for 10 days in three  
23 public places in the [~~annexed~~] area and by publishing a copy of the  
24 petition once in a newspaper of general circulation serving the  
25 area before the 15th day before the date the petition is first  
26 circulated. Proof of the posting and publication must be made by  
27 attaching to the petition presented to the secretary:

1           (1) the sworn affidavit of any voter who signed the  
2 petition, stating the places and dates of the posting; and

3           (2) the sworn affidavit of the publisher of the  
4 newspaper in which the notice was published, stating the name of the  
5 newspaper and the issue and date of publication.

6           SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2025.