

BILL ANALYSIS

Senate Research Center
76R5531 DRH-D

H.B. 1200
By: Crabb (Lindsay)
Intergovernmental Relations
5/14/1999
Engrossed

DIGEST

Under current law, a municipality has broad powers to unilaterally annex areas of land that are within its extraterritorial jurisdiction. There is concern that some municipalities are annexing areas for their tax bases and other resources despite opposition by the residents of these annexed areas. H.B. 1200 would establish provisions regarding the annexation of certain areas annexed on or after December 1, 1996, by certain municipalities.

PURPOSE

As proposed, H.B. 1200 establishes provisions regarding the annexation of certain areas annexed on or after December 1, 1996, by certain municipalities.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 43G, Local Government Code, by adding Section 43.148, as follows:

Sec. 43.148. DISANNEXATION OF CERTAIN AREAS. (a) Provides that this section is only applicable to a tract of contiguous territory that fulfills certain conditions.

(b) Requires the county where the tract is located to hold an election on the issue of the disannexation of the tract from the municipality if the county clerk receives a petition asking for an election and it is signed by at least 10 percent of the registered voters residing in the tract. Requires the county clerk to determine the petition's validity no later than the 30th day after the petition is received. Prohibits a petition to hold an election from being submitted after the fourth anniversary of the date the tract was annexed.

(c) Requires the county judge, if the county clerk determines the petition is valid or fails to make a determination within the prescribed time, to order the election be held on the first uniform election day occurring at least 45 days after the county clerk determines the validity of the petition or the prescribed time for making a validity determination expires, whichever is earlier.

(d) Specifies that only a registered voter residing in the tract is authorized to vote in the election. Requires the municipality to pay for the cost of holding the election.

(e) Requires that the election ballots allow voting for or against the proposition which is specified in the bill. Requires the county to designate the name of the tract in the ballot based on a name which is commonly used to identify the tract.

(f) Provides that if a majority of the votes cast at the election favor the proposition, the tract is disannexed from the municipality, and any municipal utility district or special district that was abolished as a result of the annexation is reestablished on the date of the canvass of the election. Provides that the officers who were serving the district when the tract was annexed are the officers of the reestablished district. Requires an officer whose term has expired to serve until a successor is qualified, and requires the successor to be elected or appointed in a timely manner in accordance with governing law.

- (g) Provides that if less than a majority of the votes cast favor the proposition, the tract remains part of the municipality and no other election to disannex may be held under this section.
- (h) Prohibits the municipality from reannexing any portion of a disannexed tract unless it is approved by a majority of the votes cast at an election conducted by the municipality in the area to be annexed.
- (i) Requires an arbitration panel to be appointed no later than the 10th day after the date a disannexation occurs. Sets forth individuals who compose the panel.
- (j) Requires the arbitration panel to conduct an accounting of specified expenses incurred by the municipality, each municipality utility district, and other special district during the annexation and disannexation process. Requires the arbitration panel to render a decision on whether the municipality or special districts are entitled to compensation from each other, no later than the 120th day after disannexation.
- (k) Provides that an arbitration panel's decision is reviewable in the district court of the county under the substantial evidence rule. Authorizes the municipality or an affected district to file an original action for an accounting in the district court of the county where the tract is located if the arbitrators are unable to reach a majority decision.
- (l) Provides that Chapter 171, Civil Practice and Remedies Code, applies to arbitration pursuant to this section, except as provided by this section.
- (m) Provides that a tract of land is considered to be located in the county where the majority of the tract is located.
- (n) Sets forth requirements in cases where the tract of land is located in more than one county.
- (o) Requires the county judge of the county which contains a majority of the area of the tract, if an election is held concerning a tract which is located in more than one county, to combine the election returns after they are canvassed in each county to determine if the disannexation is approved in the tract as a whole.

SECTION 2. Emergency clause.
Effective date: upon passage.