

BILL ANALYSIS

Senate Research Center
84R3073 SCL-D

H.B. 1277
By: Ashby et al. (Bettencourt)
Intergovernmental Relations
5/14/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law allows for a general-law municipality to annex adjacent territory without consent of any of the residents or voters of an area under certain circumstances. The landowners affected by the annexation and who are registered voters may petition for disannexation, but the process is cumbersome. Some interested parties assert that this process could be more fair and equitable for the affected landowners if consent was obtained prior to the annexation. H.B. 1277 seeks to amend current law to require consent prior to annexation if a majority of the territory in question is used for commercial or industrial purposes.

H.B. 1277 amends current law relating to requirements for annexation of certain commercial or industrial areas by a general-law municipality.

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 Subchapter B, Chapter 43, Local Government Code, by adding Section 43.0235, as follows:

Sec. 43.0235. ADDITIONAL REQUIREMENTS FOR ANNEXATION OF CERTAIN COMMERCIAL OR INDUSTRIAL AREAS BY GENERAL-LAW MUNICIPALITIES.

(a) Authorizes a general-law municipality to annex an area in which 50 percent or more of the property in the area to be annexed is primarily used for a commercial or industrial purpose only if the municipality:

(1) is otherwise authorized by this subchapter to annex the area and complies with the requirements prescribed under that authority; and

(2) obtains the written consent of the owners of a majority of the property in the area to be annexed.

(b) Requires that the consent required by Subsection (a)(2) be signed by the owners of the property and include a description of the area to be annexed.

SECTION 2. Amends Section 43.033(a), Local Government Code, to authorize a general-law municipality, except as provided by Section 43.0235, to annex adjacent territory without the consent of any of the residents or voters of the area and without the consent of any of the owners of land in the area provided that certain conditions are met.

SECTION 3. Amends Section 43.034, Local Government Code, to authorize a general-law municipality, except as provided by Section 43.0235, to annex adjacent territory without the consent of any of the residents or voters of the area and without the consent of any of the owners of land in the area if:

(1)-(4) Makes no change to these subdivisions.

SECTION 4. Provides that the changes in law made by this Act apply only to an annexation for which the first hearing notice required by Section 43.0561 (Annexation Hearing Requirements) or 43.063 (Annexation Hearing Requirements), Local Government Code, as applicable, is published on or after the effective date of this Act. Provides that an annexation for which the first hearing notice is published before that date is governed by the law in effect at the time the notice is published, and the former law is continued in effect for that purpose.

SECTION 5. Effective date: upon passage or September 1, 2015.