

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1499
By: Buckingham
Local Government
4/20/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Since forcible annexation ended in 2019 after Governor Abbott signed H.B. 347 into law, many Texans were left without recourse after they were annexed without their consent and have been stuck with higher utility fees and inadequate services.

The Lost Creek neighborhood was forcibly annexed by the City of Austin in 2015 and has since seen a drop in the quality of services while facing a surge in crime and increased utility fees. The neighborhood has resorted to funding off-duty sheriff patrols due to the City's unwillingness to keep the neighborhood safe. Recently, fire service to the area has decreased even though Lost Creek is one of the largest wildfire risk areas in the region. The City of Austin's fire plan currently prevents the Westlake Fire Department from safely servicing the neighborhood even though there is a station across the street from the neighborhood. Additionally, Lost Creek residents now pay three times more for trash and recycling yet the frequency of pick up has been reduced by half.

S.B. 1499 would allow for the Lost Creek neighborhood to formally disannex from the City of Austin.

Key Provisions:

Amends Subchapter G, Chapter 43, Local Government Code, by adding Section 43.149 which outlines the criteria for qualifying for disannexation from a municipality such as previously being served by a municipal utility district (MUD) that owned a water treatment and storage facility, and being separated from two municipalities other than the municipality in which it is located.

Subsection (c) highlights that if a water treatment and storage facility described by Subsection (a)(3) was acquired to the municipality as a part of annexation, then the municipality shall retain ownership of the facility after disannexation occurs.

Committee Substitute Changes:

Clarifies that the special district currently serving the Lost Creek neighborhood may be dissolved only if the members of the governing body elect to do so.

Outlines that the adjacent emergency services district shall provide services to the area after disannexation.

C.S.S.B. 1499 amends current law relating to the municipal disannexation of certain areas formerly designated as a census designated place.

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 G, Chapter 43, Local Government Code, by adding Section 43.149, as follows:

Sec. 43.149. DISANNEXATION OF CERTAIN ANNEXED AREAS FORMERLY DESIGNATED AS CENSUS DESIGNATED PLACE. (a) Provides that this section applies only to an annexed area that:

(1) contains an access point to a greenbelt and at least 1,200 single-family homes;

(2) is separated from two municipalities other than the municipality in which the area is located only by a highway; and

(3) before annexation was part of a single census designated place, and was served by a municipal utility district that owned a water treatment and storage facility.

(b) Requires a municipality to disannex an area described by Subsection (a), including residential and commercial property in the area.

(c) Requires that the municipality, if a water treatment and storage facility described by Subsection (a)(3) was transferred to the municipality during annexation, retain ownership of the facility after disannexation under this section.

(d) Provides that after an area is disannexed under this section:

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

(2) an emergency services district that is adjacent to the area is required to provide services to the area.

SECTION 2. Effective date: upon passage or September 1, 2021.