

BILL ANALYSIS

C.S.H.B. 2221
By: Huberty
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that certain areas of Texas may be annexed by a municipality without any consent from the property owners, causing concern that property owners lack a voice throughout the municipal annexation process. C.S.H.B. 2221 intends to protect the property rights of residents living in those areas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2221 repeals certain Local Government Code provisions providing for the authorization of a municipality to annex land and procedures for municipal annexation and amends the Local Government Code to establish new procedures for and restrictions on annexation by municipalities.

C.S.H.B. 2221 amends the Local Government Code to prohibit a municipality, beginning September 1, 2015, from annexing an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area. The bill establishes that this prohibition supersedes any municipal charter provision that conflicts with the prohibition.

C.S.H.B. 2221 authorizes a municipality to annex an area that is noncontiguous to the boundaries of the municipality if the area is in the municipality's extraterritorial jurisdiction. The bill authorizes a municipality to annex an area if each owner of land in the area requests the annexation. The bill requires a municipality, before annexing an area on request of land owners, to negotiate and enter into a written agreement for the provision of services in the area with the owners of land in the area and to conduct at least two public hearings. The bill sets out requirements for such hearings and establishes that the municipality is not required to provide a service that is not included in the agreement.

C.S.H.B. 2221 authorizes a municipality to annex an area with a population of less than 200 only if the municipality obtains consent to annex the area through a petition signed by more than 50 percent of the registered voters of the area and, if the registered voters of the area do not own more than 50 percent of the land in the area, by more than 50 percent of the owners of land in the area. The bill sets out requirements for the governing body of a municipality that proposes such an annexation relating to the adoption of a resolution, sending notice of the proposed annexation

to each resident in the area, and conducting an initial public hearing. The bill sets out a 60-day petition period and requirements for the petition and provides for verification and resident notification of the petition results. The bill prohibits annexation of the area if the municipality does not obtain the required number of petition signatures and establishes a waiting period for the municipality's adoption of another resolution to annex the same area. The bill authorizes annexation of the area if the municipality does obtain the required number of petition signatures but only after the municipality provides notice and holds two additional public hearings. The bill requires such an annexation to be approved by a majority of the voters voting at an election called and held for that purpose if a petition protesting the annexation is received by the secretary of the municipality by a certain date and the petition has the prescribed number of signatures.

C.S.H.B. 2221 authorizes a municipality to annex an area with a population of 200 or more only if the municipality holds an election in the area proposed to be annexed at which the qualified voters of the area may vote on the question of the annexation and a majority of the votes received at the election approve the annexation. The bill requires the municipality, if the registered voters of the area to be annexed do not own more than 50 percent of the land in the area, to obtain consent to annex the area through a petition signed by more than 50 percent of the owners of land in the area in addition to the required election. The bill requires the municipality to obtain the consent through the petition process prescribed by the bill's provisions relating to the annexation of an area with a population of less than 200 and requires the petition to be verified in the manner provided by those provisions. The bill sets out requirements for the governing body of a municipality that proposes to annex an area with a population of 200 or more relating to the adoption of a resolution, sending notice of the proposed annexation to each resident in the area, and conducting public hearings. The bill sets out election procedures and provides for resident notification of the election results and, if applicable, the petition results. The bill prohibits annexation of the area if voter approval is not obtained or, if applicable, the municipality does not obtain the required number of petition signatures and establishes a waiting period for the municipality's adoption of another resolution to annex the same area. The bill authorizes a municipality to annex the area if the applicable voter approval and petition requirements are met but only after providing notice and holding two additional public hearings. The bill sets out provisions relating to voter approval of the annexation if a petition protesting the annexation is received by the secretary of the municipality by a certain date and the petition has the prescribed number of signatures.

C.S.H.B. 2221 prohibits a strategic partnership agreement entered into on or after September 1, 2015, from providing for the limited purpose annexation of a special district. The bill removes the requirement for the governing body of a municipality, on written request from a conservation and reclamation district included in the municipality's annexation plan, to negotiate and enter into a certain written strategic partnership agreement with the district and instead authorizes the governing body to negotiate and enter into such an agreement on written request from a conservation and reclamation district located in the municipality's extraterritorial jurisdiction.

C.S.H.B. 2221 specifies that statutory provisions governing a limited purpose annexation apply to an area that was annexed for a limited purpose as authorized before September 1, 2015. The bill removes exceptions to the requirement that an area annexed for limited purposes be annexed for full purposes on or before the date prescribed by the regulatory plan prepared for the limited purpose area. The bill removes the authorization for the governing body of certain districts to petition a municipality to alter the annexation status of land in the district from full-purpose annexation to limited purpose annexation and restricts the applicability of statutory provisions regarding such an alteration of status to a governing body that entered into an agreement before September 1, 2015, to alter the status of annexation or had its status automatically altered.

C.S.H.B. 2221 amends the Health and Safety Code to make a conforming change.

C.S.H.B. 2221 repeals the following provisions of the Local Government Code:

- Section 42.0411
- Section 43.021
- Section 43.022
- Section 43.023
- Section 43.024
- Section 43.025
- Section 43.030
- Section 43.032
- Section 43.033
- Section 43.034
- Section 43.035(c)
- Section 43.036
- Section 43.052
- Section 43.053
- Section 43.054
- Section 43.0545
- Section 43.0546
- Section 43.055
- Section 43.056
- Section 43.0561
- Section 43.0562
- Section 43.0563
- Section 43.0564
- Section 43.0565
- Section 43.0567
- Section 43.057
- Section 43.061
- Section 43.062
- Section 43.063
- Section 43.064
- Section 43.065
- Sections 43.071(d), (f), and (g)
- Sections 43.072(c), (e), (g), (h), (i), (j), (k), (l), and (m)
- Sections 43.0751(o) and (r)
- Section 43.0752
- Sections 43.101(c) and (d)
- Section 43.102(c)

- Sections 43.1025(e) and (g)
- Section 43.103
- Section 43.105
- Section 43.121
- Section 43.122
- Section 43.123
- Section 43.124
- Section 43.125
- Section 43.126
- Section 43.129
- Section 43.131
- Section 43.132
- Section 43.147
- Subchapter Y, Chapter 43

C.S.H.B. 2221 repeals the following provisions of the Special District Local Laws Code:

- Section 8374.252(a)
- Section 8375.252(a)
- Section 8376.252(a)
- Section 8377.252(a)
- Section 8378.252(a)
- Section 8382.252(a)
- Section 8383.252(a)
- Section 8384.252(a)
- Section 8385.252(a)
- Section 8477.302(a)

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2221 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subchapter A, Chapter 43, Local Government Code, is amended.	SECTION 1. Same as introduced version.

SECTION 2. Section 43.029, Local Government Code, is amended by amending Subsection (c) and adding Subsections (d), (e), (f), and (g) to read as follows:

(c) The board of trustees of a public school occupying the area may petition the governing body of the municipality in writing to annex the area. [~~Sections 43.028(c)–(f) apply to the petition and annexation under this section in the same manner in which they apply to the petition and annexation under that section.~~]

(d) The petition must describe the area by metes and bounds and must be acknowledged in the manner required for deeds by each person having an interest in the area.

(e) After the 5th day but on or before the 30th day after the date the petition is filed, the governing body shall hear the petition and the arguments for and against the annexation and shall grant or refuse the petition as the governing body considers appropriate.

(f) If the governing body grants the petition, the governing body by ordinance may annex the area. On the effective date of the ordinance, the area becomes a part of the municipality and the inhabitants of the area are entitled to the rights and privileges of other citizens of the municipality and are bound by the acts and ordinances adopted by the municipality.

(g) If the petition is granted and the ordinance is adopted, a certified copy of the ordinance together with a copy or duplicate of the petition shall be filed in the office of the county clerk of the county in which the municipality is located.

SECTION 3. Section 43.051, Local Government Code, is transferred to Subchapter B, Chapter 43, Local Government Code, redesignated as Section 43.0211, Local Government Code, and amended.

SECTION 4. Subchapter B, Chapter 43, Local Government Code, is amended.

SECTION 5. The heading to Subchapter C, Chapter 43, Local Government Code, is amended.

SECTION 6. Subchapter C, Chapter 43, Local Government Code, is amended.

SECTION 7. The heading to Subchapter C-1, Chapter 43, Local Government Code, is

No equivalent provision.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

amended.

SECTION 8. Subchapter C-1, Chapter 43, Local Government Code, is amended.

SECTION 9. Section 43.071(e), Local Government Code, is amended.

SECTION 10. Section 43.0715(c), Local Government Code, is amended.

SECTION 11. Section 43.072(d), Local Government Code, is amended.

SECTION 12. Section 43.0751, Local Government Code, is amended.

SECTION 13. Subchapter D, Chapter 43, Local Government Code, is amended.

SECTION 14. Section 43.07515(a), Local Government Code, is amended.

SECTION 15. Section 43.102(d), Local Government Code, is amended.

SECTION 16. Section 43.1025(c), Local Government Code, is amended.

SECTION 17. Subchapter F, Chapter 43, Local Government Code, is amended.

SECTION 18. Section 43.127(a), Local Government Code, is amended.

SECTION 19. Section 43.141(a) and (b), Local Government Code, are amended.

SECTION 20. Section 43.201(2), Local Government Code, is amended.

SECTION 21. Section 43.203(a), Local Government Code, is amended.

SECTION 22. Section 43.905(a), Local Government Code, is amended.

SECTION 23. Section 775.0754(d), Health and Safety Code, is amended.

SECTION 24. (a) Sections 42.0411, 43.021, 43.022, 43.023, 43.024, 43.025, 43.028, 43.030, 43.032, 43.033, 43.034, 43.035(c), 43.036, 43.052, 43.053, 43.054, 43.0545,

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.

SECTION 10. Same as introduced version.

SECTION 11. Same as introduced version.

SECTION 12. Same as introduced version.

SECTION 13. Same as introduced version.

SECTION 14. Same as introduced version.

SECTION 15. Same as introduced version.

SECTION 16. Same as introduced version.

SECTION 17. Same as introduced version.

SECTION 18. Same as introduced version except for recitation.

SECTION 19. Same as introduced version.

SECTION 20. Same as introduced version.

SECTION 21. Same as introduced version.

SECTION 22. Same as introduced version.

SECTION 23. (a) Sections 42.0411, 43.021, 43.022, 43.023, 43.024, 43.025, 43.030, 43.032, 43.033, 43.034, 43.035(c), 43.036, 43.052, 43.053, 43.054, 43.0545,

43.0546, 43.055, 43.056, 43.0561, 43.0562, 43.0563, 43.0564, 43.0565, 43.0567, 43.057, 43.061, 43.062, 43.063, 43.064, 43.065, 43.071(d), (f), and (g), 43.072(c), (e), (g), (h), (i), (j), (k), (l), and (m), 43.0751(o) and (r), 43.0752, 43.101(c) and (d), 43.102(c), 43.1025(e) and (g), 43.103, 43.105, 43.121, 43.122, 43.123, 43.124, 43.125, 43.126, 43.129, 43.131, 43.132, 43.147, Local Government Code, are repealed.

(b) Subchapter Y, Chapter 43, Local Government Code, is repealed.

(c) Sections 8374.252(a), 8375.252(a), 8376.252(a), 8377.252(a), 8378.252(a), 8382.252(a), 8383.252(a), 8384.252(a), 8385.252(a), and 8477.302(a), Special District Local Laws Code, are repealed.

SECTION 25. The changes in law made by this Act do not apply to an annexation for which the first hearing notice required by former Section 43.0561 or 43.063, Local Government Code, as applicable, was published before the effective date of this Act. An annexation described by this section is governed by the law in effect at the time the notice was published, and the former law is continued in effect for that purpose.

SECTION 26. This Act takes effect September 1, 2015.

43.0546, 43.055, 43.056, 43.0561, 43.0562, 43.0563, 43.0564, 43.0565, 43.0567, 43.057, 43.061, 43.062, 43.063, 43.064, 43.065, 43.071(d), (f), and (g), 43.072(c), (e), (g), (h), (i), (j), (k), (l), and (m), 43.0751(o) and (r), 43.0752, 43.101(c) and (d), 43.102(c), 43.1025(e) and (g), 43.103, 43.105, 43.121, 43.122, 43.123, 43.124, 43.125, 43.126, 43.129, 43.131, 43.132, and 43.147, Local Government Code, are repealed.

(b) Subchapter Y, Chapter 43, Local Government Code, is repealed.

(c) Sections 8374.252(a), 8375.252(a), 8376.252(a), 8377.252(a), 8378.252(a), 8382.252(a), 8383.252(a), 8384.252(a), 8385.252(a), and 8477.302(a), Special District Local Laws Code, are repealed.

SECTION 24. Same as introduced version.

SECTION 25. Same as introduced version.