

By: Burns

H.B. No. 1038

A BILL TO BE ENTITLED

AN ACT

relating to a petition by residents of certain counties for an election regarding voter approval of municipal annexation.

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

SECTION 1. Subchapter A, Chapter 43, Local Government Code, is amended by adding Section 43.004 to read as follows:

Sec. 43.004. PETITION FOR ELECTION ON CONSIDERATION AS TIER 2 COUNTY. (a) The registered voters of a tier 1 county may file a petition with the commissioners court of the county requesting an election in the county to determine whether the county should be considered a tier 2 county for the purposes of this chapter. The petition must contain the signatures of at least 10 percent of the registered voters of the county.

(b) The commissioners court of a county that receives a petition for an election under Subsection (a) shall:

(1) verify the signatures on the petition; and

(2) if the county verifies that the petition satisfies the signature requirement under Subsection (a):

(A) order the election; and

(B) provide notice of the verified petition as soon as practicable to the governing body of each municipality:

(i) located wholly or partly in the county;

or

(ii) with extraterritorial jurisdiction in

1 the county.

2 (c) On receipt of the notice described by Subsection
3 (b)(2)(B), the governing body shall suspend any pending annexation
4 that would be affected by the outcome of the election until after
5 the election is held.

6 (d) If a majority of the votes cast at an election held under
7 Subsection (b) favor the proposition, the county is considered a
8 tier 2 county for the purposes of this chapter.

9 SECTION 2. Section 43.001(3), Local Government Code, is
10 amended to read as follows:

11 (3) "Tier 2 county" means a county that [+
12 [~~(A)~~] is not a tier 1 county [~~+~~ or
13 [~~(B)~~ is a tier 1 county in which a majority of the
14 registered voters of the county have approved being a tier 2 county
15 at an election ordered by the commissioners court on the request by
16 petition of a number of registered voters of the county equal to or
17 greater than 10 percent of the registered voters of the county].

18 SECTION 3. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2019.