

1-1 By: Burns, Lozano (Senate Sponsor - Birdwell) H.B. No. 1038  
 1-2 (In the Senate - Received from the House April 25, 2019;  
 1-3 April 29, 2019, read first time and referred to Committee on  
 1-4 Intergovernmental Relations; May 9, 2019, reported favorably by  
 1-5 the following vote: Yeas 5, Nays 1; May 9, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Schwertner	X			
1-9 Alvarado		X		
1-10 Campbell	X			
1-11 Fallon	X			
1-12 Menéndez			X	
1-13 Nichols	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to a petition by residents of certain counties for an  
 1-18 election regarding voter approval of municipal annexation.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subchapter A, Chapter 43, Local Government Code,  
 1-21 is amended by adding Section 43.004 to read as follows:

1-22 Sec. 43.004. PETITION FOR ELECTION ON CONSIDERATION AS TIER  
 1-23 2 COUNTY. (a) The registered voters of a tier 1 county may file a  
 1-24 petition with the commissioners court of the county requesting an  
 1-25 election in the county to determine whether the county should be  
 1-26 considered a tier 2 county for the purposes of this chapter. The  
 1-27 petition must contain the signatures of at least 10 percent of the  
 1-28 registered voters of the county.

1-29 (b) The commissioners court of a county that receives a  
 1-30 petition for an election under Subsection (a) shall:

1-31 (1) verify the signatures on the petition; and  
 1-32 (2) if the county verifies that the petition satisfies  
 1-33 the signature requirement under Subsection (a):

1-34 (A) order the election; and  
 1-35 (B) provide notice of the verified petition as  
 1-36 soon as practicable to the governing body of each municipality:

1-37 (i) located wholly or partly in the county;  
 1-38 or  
 1-39 (ii) with extraterritorial jurisdiction in  
 1-40 the county.

1-41 (c) On receipt of the notice described by Subsection  
 1-42 (b)(2)(B), the governing body shall suspend any pending annexation  
 1-43 that would be affected by the outcome of the election until after  
 1-44 the election is held.

1-45 (d) If a majority of the votes cast at an election held under  
 1-46 Subsection (b) favor the proposition, the county is considered a  
 1-47 tier 2 county for the purposes of this chapter.

1-48 SECTION 2. Section 43.001(3), Local Government Code, is  
 1-49 amended to read as follows:

1-50 (3) "Tier 2 county" means a county that [+  
 1-51 [~~(A)~~] is not a tier 1 county[~~, or~~  
 1-52 [~~(B)~~] is a tier 1 county in which a majority of the  
 1-53 registered voters of the county have approved being a tier 2 county  
 1-54 at an election ordered by the commissioners court on the request by  
 1-55 petition of a number of registered voters of the county equal to or  
 1-56 greater than 10 percent of the registered voters of the county].

1-57 SECTION 3. This Act takes effect immediately if it receives  
 1-58 a vote of two-thirds of all the members elected to each house, as  
 1-59 provided by Section 39, Article III, Texas Constitution. If this  
 1-60 Act does not receive the vote necessary for immediate effect, this  
 1-61 Act takes effect September 1, 2019.

1-62 \* \* \* \* \*