

1-1 By: Campbell, et al. S.B. No. 746  
1-2 (In the Senate - Filed February 11, 2019; March 1, 2019,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; April 11, 2019, reported favorably by the following  
1-5 vote: Yeas 7, Nays 0; April 11, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

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

1-17 relating to certain procedures associated with voter approval of  
1-18 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 seven percent of  
1-28 the 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) If a majority of the votes cast at an election held under  
1-42 Subsection (b) favor the proposition, the county is considered a  
1-43 tier 2 county for the purposes of this chapter.

1-44 SECTION 2. Section 43.0686(b), Local Government Code, is  
1-45 amended to read as follows:

1-46 (b) If the municipality does not obtain the number of  
1-47 signatures on the petition required to annex the area, the  
1-48 municipality may not annex any part of the area and may not adopt  
1-49 another resolution under Section 43.0682 to annex any part of the  
1-50 area until the fifth [~~first~~] anniversary of the date the petition  
1-51 period ended.

1-52 SECTION 3. Section 43.0697(b), Local Government Code, is  
1-53 amended to read as follows:

1-54 (b) If at the election held under this subchapter a majority  
1-55 of qualified voters do not approve the proposed annexation, or if  
1-56 the municipality is required to petition owners of land in the area  
1-57 under Section 43.0695 and does not obtain the required number of  
1-58 signatures, the municipality may not annex any part of the area and  
1-59 may not adopt another resolution under Section 43.0692 to annex any  
1-60 part of the area until the fifth [~~first~~] anniversary of the date of  
1-61 the adoption of the resolution.

2-1 SECTION 4. Section 43.001(3), Local Government Code, is  
2-2 amended to read as follows:

2-3 (3) "Tier 2 county" means a county that [+  
2-4 [~~(A)~~] is not a tier 1 county[~~, or~~  
2-5 [~~(B)~~ is a tier 1 county in which a majority of the  
2-6 registered voters of the county have approved being a tier 2 county  
2-7 at an election ordered by the commissioners court on the request by  
2-8 petition of a number of registered voters of the county equal to or  
2-9 greater than 10 percent of the registered voters of the county].

2-10 SECTION 5. This Act takes effect immediately if it receives  
2-11 a vote of two-thirds of all the members elected to each house, as  
2-12 provided by Section 39, Article III, Texas Constitution. If this  
2-13 Act does not receive the vote necessary for immediate effect, this  
2-14 Act takes effect September 1, 2019.

2-15 \* \* \* \* \*