

HOUSE OF REPRESENTATIVES

NOTICE OF PUBLIC HEARING

COMMITTEE: Land & Resource Management

TIME & DATE: 2:00 PM or upon final adjourn./recess Wednesday, April 05, 2017

PLACE: E2.026 CHAIR: Rep. Abel Herrero

HB 299 Larson | et al. Relating to municipal annexation.

HB 424 Huberty | et al. Relating to municipal annexation.

HB 2099 Kuempel Relating to the annexation of an unincorporated enclave by certain general-law municipalities.

HB 2100 Kuempel Relating to authority of certain general-law municipalities to annex an area without consent.

HB 3603 Isaac Relating to authority of certain general-law municipalities to annex an area on petition by owners.

HB 3156 Isaac Relating to the transfer of extraterritorial jurisdiction between certain home-rule and general-law municipalities and annexation of certain territory by the general-law municipalities.

HB 3074 Rodriguez, Eddie Relating to compensation to be paid to an emergency services district for a municipality's annexation of the district's territory.

HB 2272 Schofield Relating to the procedures for municipal annexation.

HB 2416 Schofield Relating to the extraterritorial jurisdiction of and municipal annexation by certain municipalities.

HB 3214 Gutierrez Relating to the service plan for the annexation by certain municipalities of territory included in an emergency services district.

Bills will not be heard in the order posted.

Following are the bills and which ones TML/TXAPA are interested in:

**H.B.299 (Larson) – Annexation: (Listed as one of Top 10 “Bad Bills” so far by TML) (Scheduled for public hearing on 4/5);**

would completely rewrite Municipal Annexation Act to severely curtail ability of cities to annex property. Specifically, bill would provide – among many other things – that:

1. A city may annex an area with a population of less than 200 only if city obtains consent to annex area through a petition signed by: (a) more than 50 percent of registered voters of area; and (b) if registered voters of area do not own more than 50 percent of land in area, more than 50 percent of owners of land in area.
2. In no case may a city annex an area with a population of less than 200 without approval of a majority of voters voting at an election called and held for that purpose if a petition protesting annexation is signed by a number of registered voters of municipality equal to at least 50 percent of number of voters who voted in most recent municipal election and is received by secretary of city.
3. A city may annex an area with a population of 200 or more only if following conditions are met, as applicable:
  - (a) city holds an election in area proposed to be annexed at which qualified voters of area may vote on question of annexation, and a majority of votes received at election approve annexation; and
  - (b) if registered voters of area do not own more than 50 percent of land in area, city obtains consent to annex area through a petition signed by more than 50 percent of owners of land in area.
4. A city may annex an area if each owner of land in area requests annexation if:
  - (a) governing body of city first negotiates and enters into a written agreement for provision of services in area with owners of land in area (city is not required to provide a service that is not included in agreement); and
  - (b) governing body of city conducts at least two public hearings (hearings must be conducted not less than 10 business days apart, and during final public hearing, governing body may adopt an ordinance annexing area).
5. Beginning September 1, 2017, a city may not annex an area for limited purposes of applying its planning, zoning, health, and safety ordinances in area, regardless of any authority granted by a home rule charter.
6. procedures for annexation of a special district are modified, including providing that, beginning September 1, 2017, a strategic partnership agreement may not provide for limited purpose annexation.

**HB 424 (Huberty) – Annexation: (Also listed as one of Top 10 “Bad Bills” so far by TML) (Scheduled for public hearing on 4/5).**

Would completely rewrite Municipal Annexation Act to severely curtail ability of cities to annex property. Generally, bill would provide that:

1. a city wholly or partly located in a county with a population of 500,000 or more may not annex an area with a population of 200 or more unless: (a) city holds an election in area that approves annexation; and (b) if registered voters of area do not own more than 50 percent of land in area, city obtains consent to annex area through a petition signed by more than 50 percent of owners of land in area;
2. a city wholly located in one or more counties each with a population of less than 500,000 that proposes to annex an area in a county with a population of 500,000 or more must meet requirements of (1)(a) and (1)(b), above; and
3. with certain very limited exceptions, beginning September 1, 2017, a city may not enter into a strategic partnership agreement that provides for limited purpose annexation.

More specifically, bill would provide – among many other things – that:

1. a new chapter 43, subchapter A-1, of Local Government Code is created that applies only to a city: (a) wholly located in one or more counties each with a population of less than 500,000; and (b) a city wholly or partly located in a county with a population of 500,000 or more that proposes to annex an area in a county with a population of 500,000 or more;
2. most of existing, statutory authority to annex is transferred into newly-created subchapter A-1;
3. existing subchapter C (“plan” annexation procedures) applies only to a city wholly located in one or more counties each with a population of less than 500,000 (unless city proposed to annex an area in a county with a population of 500,000 or more, in which case subchapter C-4, described below, applies);
4. existing subchapter C-1 (“exempt” annexation procedures) applies only to an area that is proposed for annexation by a city wholly located in one or more counties each with a population of less than 500,000 and that is not required to be included in a municipal annexation plan (unless city proposed to annex an area in a county with a population of 500,000 or more, in which case subchapter C-4, described below, applies);
5. a new subchapter C-3 is created that applies only to a city: (a) wholly or partly located in a county with a population of 500,000 or more; and (b) wholly located in one or more counties each with a population of less than 500,000 that proposes to annex an area in a county with a population of 500,000 or more;
6. new subchapter C-3 would authorize annexation if each owner of land in area requests annexation, two public hearings are held, and governing body negotiates and enters into a written agreement with owners of land in area for provision of services in area;
7. a new subchapter C-4 is created that applies only to a city: (a) wholly or partly located in a county with a population of 500,000 or more; and (b) wholly located in one or more counties each with a population of less than 500,000 that proposes to annex an area in a county with a population of 500,000 or more;
8. new subchapter C-4 would authorize annexation of an area with a population of less than 200 only if city obtains consent to annex area through a petition signed by more than 50 percent of registered voters of area;
9. governing body of a city that proposes to annex an area under subchapter C-4 must, among other things, adopt a resolution that includes a description of services to be provided to area.
10. not later than seventh day after date governing body adopts resolution under (9), above, city must mail to each resident in area proposed to be annexed notification of proposed annexation that includes: (a) notice of a public hearing required by bill; (b) an explanation of petition process; and (c) a description, list, and schedule of services to be provided by city;
11. A new subchapter C-5 is created that applies only to a city: (a) wholly or partly located in a county with a population of 500,000 or more; and (b) wholly located in one or more counties each with a population of less than 500,000 that proposes to annex an area in a county with a population of 500,000 or more;
12. new subchapter C-5 would authorize election of an area with a population of 200 or more only if following conditions are met, as applicable: (a) city holds an election in area proposed to be annexed at which qualified voters of area may vote on question of annexation and a majority of votes received at election approve annexation; and (b) if registered voters of area do not own more than 50 percent of land in area, city obtains consent to annex area through a petition signed by more than 50 percent of owners of land in area;
13. governing body of municipality that proposes to annex an area under subchapter C-5 must, among other things, follow procedures that are similar to (10), above;
14. with certain very limited exceptions, beginning September 1, 2017, a city may not enter into a strategic partnership agreement that provides for limited purpose annexation;
15. with certain very limited exceptions, beginning September 1, 2017, following cities may not annex an area for limited purposes of applying their planning, zoning, health, and safety ordinances in area: (a) a city wholly or partly located in a county with a population of 500,000 or

- more; or (b) a city wholly located in one or more counties each with a population of 500,000 or less that proposes to annex an area in a county with a population of 500,000 or more;
16. a city wholly or partly located in a county with a population of 500,000 or more may by ordinance annex a road or right-of-way of a road on request of owner of road or right-of-way or governing body of political subdivision that maintains road or right-of-way under procedures applicable to a municipality wholly located in one or more counties each with a population of less than 500,000;
  17. disannexation for a claim of failure to provide services is made easier;
  18. a city may annex an area that is noncontiguous to boundaries of city if area is in city's extraterritorial jurisdiction;
  19. various exemptions from certain annexation requirements for City of Houston are removed; and
  20. subchapters C-3 through C-5, described above, do not affect procedures in current law applicable to a certain defense community.

**HB 2099 (Kuempel) General Law Annexations** - Relating to the annexation of an unincorporated enclave by certain general-law municipalities. Bracketed to a city of 550 to 750 in county adjacent to a county with population of 1.5 million.

**HB 2100 (Kuempel) General Law Annexation without consent** – Bracketed to a general law city with a population of 1,762-1,770, part of whose boundary is part of the shoreline of a lake whose normal surface area is 75,000 acres or greater and which is located completely within the State of Texas;

**HB 3603 (Isaac) General Law City Annexation with Petition:** Bracketed to a general-law city with a population of 1,500 to 5,000 [1,599] which may annex an area adjacent to the city; not being served with water or sewer service, with a petition requesting annexation filed with the municipality.

**H.B 3156 (Isaac) Transfer of ETJ between a General Law City and a Home Rule City:** Bracketed to a Type A General Law City of less than 4,000 exchanging ETJ with a Home Rule City in an adjacent county with a population between 750,000 and 1,000,000.

**HB 3074 (E. Rodriguez) – Emergency Services Districts:** would require a city to factor in sales tax revenue to the amount that must be paid to an emergency services district when the city seeks to remove territory from the district.

**HB 2272 (Schofield) Limited Purpose Annexation - (Scheduled for public hearing on 4/5):** would provide that a city may not annex an area for full or limited purposes unless, in addition to the requirements of current law, one of the following conditions is met: (1) the city holds an election in the area proposed to be annexed and a majority of the votes received at the election approve the annexation; (2) a majority of the registered voters of the area request the governing body in writing to annex the area; (3) each owner of land in the area requests the governing body in writing to annex the area; or (4) the municipality owns the area.

**HB 2416 (Schofield) ETJ and Annexation** – Bracketed to the extraterritorial jurisdiction of and municipal annexation by certain municipalities of 1.8 million or more.

**HB 3214(Gutierrez) Annexation Service Plan in an ESD** – Bracketed to a city in a county with a population of more than one million and less than 1.75 [1.5] million. Requires the municipality's fire department to provide initial response to the annexed territory equivalent to other areas within the corporate boundaries with similar topography, land use, and population density.