

SUBJECT: Allowing elections for disannexation of certain municipal areas

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 7 ayes — Walker, Crabb, Bosse, F. Brown, Hardcastle, Krusee, B. Turner

0 nays

2 absent — Howard, Mowery

WITNESSES: For — Mike Byers, Humble Area Chamber of Commerce; Charles M. N. Cree, Spicewood Estates Homeowners Association; Ken Rigsbee, Circle C Homeowners Association; Raymond L. Anderson, Jr.; Todd Dedow; A. N. M. Geldens; Tim Jackson; Ann Kosatka; Larry Lane; Alice Rekeweg; Jenny L. Swilley; Marilyn Taylor; Denny E. Vaile; James L. Watters

Against — Jerry Wood, City of Houston

DIGEST: HB 1200 would allow residents in a contiguous area annexed after December 1, 1996, by a municipality with at least 450,000 residents to vote to disannex their area if the area was annexed without resident approval through an election.

Petition for election. An election on disannexation could be held if the county clerk received a petition signed by at least 10 percent of the registered voters in the annexed area. The petition would have to be submitted within four years after the date of annexation. The county clerk would have to determine the validity of a petition within 30 days. If the county clerk approved a petition or failed to make a decision within the 30-day time limit, the county judge would order the election.

Election. The election ballots would have to be prepared to permit voting for or against a proposition for the disannexation of the area from the municipality, as well as reestablishment of any municipal utility districts or other special districts dissolved as a result of annexation. The municipality would have to pay for the election, which would be open only to registered voters in the area affected.

Election results. If a majority of voters favored disannexation, the area would be disannexed on the date of canvass of the election. If voters did not favor disannexation, no further elections could be held. The municipality could not reannex any portion of the area without an election conducted by the municipality in the area to be annexed. Reannexation could not occur without a majority of votes cast in the reannexed area.

Post-election procedures. Former special districts, including municipal utility districts, would be reestablished with their same officers if the voters approved disannexation. An arbitration panel would have to account for expenses incurred by the municipality and any special districts during the annexation and disannexation process, and whether either the municipality or the special districts were entitled to compensation from each other.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS
SAY:**

Under current law, residents in the extraterritorial jurisdiction of a municipality are powerless to prevent the annexation of their land. Cities have often misused and mishandled the annexation process, leading to declines in the quality of life in annexed areas. Residents should have an option to vote on the annexation of their area to determine if the annexation was in their best interests.

**OPPONENTS
SAY:**

Cities need the authority to annex surrounding land for the purposes of economic development and planning for future growth. If cities cannot annex land efficiently for these purposes, residents in cities and their surrounding areas will suffer. The state should not interfere with municipal authority to annex land, especially to establish retroactive rulemaking. HB 1200 would permit the retroactive disannexation of areas that have been annexed for several years. The annexation process should be reformed, but by using non-retroactive measures.