

BILL ANALYSIS

Senate Research Center

S.B. 1602
By: Lindsay
Intergovernmental Relations
3-31-97
As Filed

DIGEST

Currently, the law grants certain cities the right to annex territory within their extraterritorial jurisdiction without voter approval of the residents of the area to be annexed. This has led to an adversarial relationship between cities and surrounding unincorporated areas, as well as costly litigation. This bill provides for a temporary moratorium on annexations until after August 31, 1999; creates a Study Commission on Municipal Annexation; requires voter approval in certain municipalities; prohibits strip-annexation by certain municipalities; promulgates a service plan agreement; provides a framework for strategic partnership agreements; adds requirements relating to annexation plans; and creates an oversight committee to ensure compliance with service plans.

PURPOSE

As proposed, S.B. 1602 provides for a temporary moratorium on annexations until after August 31, 1999; creates a Study Commission on Municipal Annexation; requires voter approval in certain municipalities; prohibits strip-annexation by certain municipalities; promulgates a service plan agreement; provides a framework for strategic partnership agreements; adds requirements relating to annexation plans; and creates an oversight committee to ensure compliance with service plans.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Study Commission on Municipal Annexation in SECTION 1 (Section 43.0202, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 43B, Local Government Code, by adding Sections 43.0201 and 43.0202, as follows:

Sec. 43.0201. TEMPORARY MORATORIUM ON ANNEXATION. Prohibits a municipality from annexing any area until after August 31, 1999. Provides that this section expires September 1, 1999.

Sec. 43.0202. STUDY COMMISSION ON MUNICIPAL ANNEXATION. Sets forth constituency, requirements, and duties of the Study Commission on Municipal Annexation (commission). Requires the commission to adopt rules to administer this section. Provides that the commission is abolished and this section expires June 1, 1999.

SECTION 2. Amends Chapter 43B, Local Government Code, by adding Section 43.0215, as follows:

Sec. 43.0215. VOTER APPROVAL OF ANNEXATION REQUIRED IN CERTAIN MUNICIPALITIES. Sets forth requirements for voter approval of annexations in certain municipalities.

SECTION 3. Amends Chapter 43C, Local Government Code, by adding Sections 43.0541 and 43.0542, as follows:

Sec. 43.0541. ANNEXATIONS BY MUNICIPALITY WITH POPULATION OF MORE

THAN 250,000. Sets forth requirements of and procedures for annexations by municipalities with a population of more than 250,000.

Sec. 43.0542. FAILURE OF A MUNICIPALITY TO PROVIDE WATER OR SEWER SERVICES. Sets forth the effects of a failure of a municipality to provide water or sewer services to an annexed area.

SECTION 4. Amends Chapter 43C, Local Government Code, by adding Section 43.0562, as follows:

Sec. 43.0562. SERVICE PLAN FOR CERTAIN WATER DISTRICT ANNEXATION. Sets forth requirements and procedures for a service plan for certain water district annexations.

SECTION 5. Amends Sections 43.075(b)-(f), Local Government Code, to require governing bodies of a municipality with a population of 225,000 or more and certain districts to enter into a contract for the district having a term of five or more years. Requires the governing bodies of a municipality to make determinations and enter into certain agreements. Prohibits the governing bodies of a municipality from initiating certain proceedings prior to the expiration of five, rather than two, years after the adoption of a certain resolution. Requires hearings to be conducted by a visiting state judge jointly selected by the municipality and the district. Prohibits the governing body of a municipality from annexing a district for full purposes under this chapter, rather than this section or under Subchapter F. Provides that the municipality, rather than both parties equally, is responsible for costs of a certain study. Authorizes the governing board of a district to contribute to the cost of the any study. Provides that certain fees will be renegotiated at the request of the parties to the agreement, or every five years if agreed to by all parties. Provides that this methodology does not apply to fees from commercial property; and the addition of other political subdivisions to the agreement to allow the provision of the highest quality of services at the lowest fee to residents of the district.

SECTION 6. Amends Chapter 43, Local Government Code, by adding Subchapter I, as follows:

SUBCHAPTER I. ANNEXATION PLANNING

Sec. 43.301. APPLICATION. Provides that this chapter applies to a municipality with a population of 225,000 or more.

Sec. 43.302. RESTRICTIONS ON ANNEXATION OR REGULATION. Prohibits a municipality from regulating an area under this chapter, except if the annexation or regulation conforms to an annexation plan adopted by this subchapter.

Sec. 43.303. ANNEXATION PLAN. Sets forth requirements of the annexation plan.

Sec. 43.304. CONTENTS OF PLAN. Sets forth contents of the annexation plan.

SECTION 7. Amends Chapter 43Z, Local Government Code, by adding Section 43.905, as follows:

Sec. 43.905. OVERSIGHT OF CERTAIN ANNEXATIONS. Sets forth the application of this section. Requires an annexation oversight committee to be established for each area annexed by a municipality under this chapter. Sets forth constituency, powers, and duties of the annexation oversight committee. Requires the annexing municipality to take certain actions with regards to the annexation oversight committee.

SECTION 8. Requires the lieutenant governor, the speaker of the house, and county judges to appoint members of the Study Commission on Municipal Annexation, as provided by Section 43.0202, Local Government Code, as added by this Act, before November 1, 1997.

SECTION 9. Makes application of Section 43.0201, Local Government Code as added by this Act, retroactive.

SECTION 10. Makes application of Sections 43.0215, 43.0541, 43.0542, and 43.905, Local

Government Code, as added by this Act, prospective.

SECTION 11. Requires a plan to be adopted by a municipality under Chapter 43I, Local Government Code, as added by this Act, by January 1, 1998. Prohibits a municipality from annexing an area until a plan is adopted.

SECTION 12. Emergency clause.
Effective date: upon passage.