

BILL ANALYSIS

Senate Research Center

S.B. 955
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As Filed

DIGEST

Currently, residents of an area to be annexed are allocated a certain amount of time for discourse, input and public debate on the services to be provided. However, there is some concern as to whether or not the time allocated has been sufficient. S.B. 955 would give residents of an area to be annexed an opportunity for constructive input and additional public debate on the services to be provided. This would be accomplished by publishing a description of the service plan in addition to notice of the hearings prior to the hearings being conducted. The bill also increases the number of hearings a city must conduct before instituting annexation proceedings. The increase in the time frame would allow for more discourse between the municipality and the area to be annexed.

PURPOSE

As proposed, S.B. 955 outlines provisions regarding requirements for municipal annexation.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 43.052(a) and (c), Local Government Code, to require the governing body of a municipality to conduct three, rather than two, public hearings at which persons interested in the annexation are given the opportunity to be heard, before the municipality may institute annexation proceedings. Requires the hearings to be conducted on or after the 90th, rather than the 40th, day but before the 60th, rather than the 20th, day before the date of the institution of the proceedings. Requires the municipality to publish notice of the hearings and a brief description of the proposed service plan required under Section 43.056, Local Government Code, in a newspaper of general circulation in the municipality and in the area proposed for annexation. Requires the notice for each hearing and description of the service plan to be published at least once on or after the 20th day but before the 10th day before the date of the hearing.

SECTION 2. Amends Section 43.056(h), Local Government Code, to provide that on approval by the governing body of the municipality and the governing bodies of any municipal utility or other special districts that serve the area, the service plan is a contractual obligation that is not subject to amendment or repeal except that if the governing body of the municipality determines at the public hearings required by this subsection that changed conditions or subsequent occurrences make the service plan unworkable or obsolete, the municipality, rather than the governing body, may amend the service plan to conform to the changed conditions or subsequent occurrences. Requires an amended service plan to provide for services that are comparable to or better than those established in the area immediately before the annexation, rather than in the service plan before amendment. Makes a conforming change.

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.