

## **BILL ANALYSIS**

H.B. 347  
By: King, Phil  
Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that while recent changes to municipal annexation procedures have been made to address certain property protections, such as the need for greater transparency and property owner participation in the municipal annexation process, such protections could still be expanded. H.B. 347 seeks to provide for such expansion by setting out provisions relating to eliminating distinctions in the application of consent annexation requirements.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 347 amends the Local Government Code to eliminate the tier system with regard to the application of consent municipal annexation requirements. The bill repeals the municipal annexation definitions of "tier 1 county," "tier 2 county," "tier 1 municipality," and "tier 2 municipality." The bill repeals general annexation authority provisions applicable to a tier 1 municipality.

H.B. 347 repeals certain provisions relating to tier 1 municipality annexation procedures for areas annexed under a municipal annexation plan, including provisions relating to a required municipal annexation plan, a required inventory of services and facilities, annexation hearing requirements, required negotiations, contracts for the provision of services in lieu of annexation, and arbitration regarding negotiations for services. The bill retains, and makes applicable only to an annexation of an area exempted from consent annexation procedures, provisions relating to width requirements, annexation of certain adjacent areas, the maximum amount of annexation in a calendar year, provision of services to an annexed area, and findings required for an annexation that would surround an area. The bill repeals a provision that establishes that municipal annexation provisions do not affect the obligation of a municipality that has adopted the fire fighters' and police officers' civil service law to provide police, fire, or emergency medical services within the municipality's corporate boundaries by means of personnel classified in accordance with such civil service law.

H.B. 347 makes tier 1 municipality annexation procedures that applied to an area exempted from a municipal annexation plan applicable to an annexation of an area under provisions relating to the following that are also exempted from consent annexation procedures as provided by the bill, unless otherwise specifically provided by law:

- certain enclaves;
- an industrial district;
- an area owned by a Type A general-law municipality;
- a navigable stream;
- certain strategic partnerships;
- a municipally owned reservoir;
- a municipally owned airport; and
- a road and right-of-way.

The bill repeals provisions that limit to a tier 2 municipality the applicability of provisions relating to consent annexations, including provisions relating to general annexation authority and procedures, the annexation of an area on the request of owners, the annexation of an area with a population of less than 200 by petition, and the annexation of an area with a population of at least 200 by election.

H.B. 347 repeals provisions relating to arbitration of a strategic partnership agreement between a municipality and an applicable conservation and reclamation district. The bill revises provisions relating to the annexation of a municipally owned reservoir, the annexation of a municipally owned airport, the annexation of a noncontiguous municipally owned airport by certain municipalities, the annexation of roads and rights-of-way, and the authority of certain municipalities to annex for limited purposes. The bill repeals provisions relating to the annexation of streets, highways, and other ways by certain general-law tier 1 municipalities and provisions relating to the annexation of streets by certain small general-law tier 1 municipalities. The bill repeals provisions relating to annexation and incorporation procedures for certain unincorporated communities in certain counties.

H.B. 347 applies only to an annexation of an area that is not final on the bill's effective date. The bill establishes that an annexation of an area that was final before such date is governed by those portions of municipal annexation provisions that relate to post-annexation procedures and requirements in effect immediately before such date and continues that law in effect for that purpose.

H.B. 347 repeals the following provisions of the Local Government Code:

- Sections 43.001(2), (3), (4), and (5)
- Section 43.011
- Subchapter B, Chapter 43
- Section 43.0505(b)
- Section 43.052
- Section 43.053
- Section 43.056(q)
- Section 43.0561
- Section 43.0562
- Section 43.0563
- Section 43.0564
- Section 43.061(b)

- Section 43.066
- Section 43.067
- Section 43.068
- Section 43.069
- Section 43.0751(o)
- Section 43.0752
- Section 43.103
- Section 43.105
- Subchapter Y, Chapter 43

H.B. 347 repeals the following provisions of the Special District Local Laws Code:

- Section 8374.252(a)
- Section 8375.252(a)
- Section 8376.252(a)
- Section 8377.252(a)
- Section 8378.252(a)
- Section 8382.252(a)
- Section 8383.252(a)
- Section 8384.252(a)
- Section 8385.252(a)
- Section 8477.302(a)

**EFFECTIVE DATE**

September 1, 2019.