

SUBJECT: Suspending annexation after notice of election on change in county tier

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 7 ayes — Craddick, Muñoz, C. Bell, Biedermann, Leman, Minjarez,  
Thierry

2 absent — Canales, Stickland

WITNESSES: For — Shelby Sterling, Texas Public Policy Foundation; (*Registered, but did not testify*: Jeremy Fuchs, Texas and Southwestern Cattle Raisers Association; Daniel Gonzalez and Julia Parenteau, Texas Realtors)

Against — None

BACKGROUND: Local Government Code ch. 43 divides counties and municipalities into two categories for the purpose of annexation authority. A "Tier 1 county" is a county with a population under 500,000. A "Tier 2 county" is a larger county or one in which a majority of the voters approved being a Tier 2 county by an election ordered by the commissioners court on the request of a petition signed by at least 10 percent of the registered voters of the county.

Some have suggested that the process by which the residents of a Tier 1 county may petition for an election to become a Tier 2 county for the purposes of municipal annexation should be clarified and revised.

DIGEST: HB 1038 would require the commissioners court of a Tier 1 county to verify the signatures on a petition for an election to determine whether the county should become a Tier 2 county.

If the petition contained the signatures of at least 10 percent of the registered voters in the county, the commissioners court would have to provide notice of the verified petition as soon as practicable to the governing body of each municipality located wholly or partly in the county or with extraterritorial jurisdiction in the county.

On notice of the verified petition, the governing body of a municipality would have to suspend any pending annexation that would be affected by the outcome of the election until after the election was held.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.