

BILL ANALYSIS

Senate Research Center

S.B. 313
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Intergovernmental Relations
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As Filed

DIGEST

Currently, areas may be annexed without voter approval. In recent cases, residents have opposed this action and requested disannexation. S.B. 313 allows any area annexed after December 1, 1996, by a city with a population of 1.6 million or more to be allowed to vote on the issue of disannexation. This would be possible if 10 percent of the residents in an affected area sign a petition calling for the election within two years of the annexation. If a majority of those residents vote to disannex, all previous municipal utility districts and special districts will be reestablished and an arbitration committee will immediately be created to determine financial matters between the districts and the municipality.

PURPOSE

As proposed, S.B. 313 outlines provisions and requirements regarding the disannexation of certain areas on or after December 1, 1996, by certain municipalities.

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 Chapter 43G, Local Government Code, by adding Section 43.148, as follows:

Sec. 43.148. DISANNEXATION OF CERTAIN AREAS. Sets forth examples of certain tracts of contiguous territory to which this section applies. Sets forth the requirements for an election for the disannexation of certain areas. Sets forth events to take place if a majority of the votes favor the proposition. Provides that if less than a majority of the votes cast at the election favor the proposition, the tract remains a part of the municipality and another election to disannex the tract may not be held under this section. Sets forth the requirements for reannexation of certain areas. Sets forth the composition of an arbitration panel, to be appointed not later than the 10th day after the date a disannexation occurs under this section. Sets forth the requirements of the arbitration panel. Provides that a decision of the arbitration panel is reviewable in the district court of the county under the substantial evidence rule. Authorizes the municipality or district to file an original action for an accounting in the district court of the county housing the tract. Provides that except as provided by this section, Chapter 171, Civil Practice and Remedies Code, applies to an arbitration under this section. Provides that in this section, a tract of land is considered to be located in the county in which a majority of the area of the tract is located. Sets forth the requirements for a tract located in more than one county. Requires the county judge of the county in which a majority of the area of the tract is located, after the election returns are canvassed in each county, to combine the election returns to determine if the disannexation is approved in the tract as a whole, if an election is called in more than one county.

SECTION 2. Emergency clause.

Effective date: upon passage.