

## **BILL ANALYSIS**

Senate Research Center  
87R4873 SCL-F

S.B. 659  
By: Buckingham  
Local Government  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Municipalities that grow via annexation should provide full municipal services to those they annex. Unfortunately, there are many examples where residents who are annexed and pay for full municipal services are not receiving those services. In these cases, residents are forced to pay a third party provider to provide basic services. Moreover, police, fire, and EMS response times have increased in many of these annexed areas, putting the public safety and wellbeing of these residents in jeopardy. Thus, while municipalities benefit from having taxable property in their jurisdictions, residents are being forced to endure lagging emergency services response times and inadequate municipal services at no fault of their own.

S.B. 659 would establish a disannexation process for certain areas that are not receiving full municipal services. S.B. 659 adds Section 43.1415, Subchapter G, Chapter 43, Local Government Code, to specify that areas that do not receive full municipal areas and were exempt from municipal taxation for more than 20 years, or were annexed for limited purposes before Subchapter F was enacted and have never received full municipal services, can begin the process to formally disannex from their respective municipalities.

As proposed, S.B. 659 amends current law relating to disannexation of certain areas that do not receive full municipal services.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter G, Chapter 43, Local Government Code, by adding Section 43.1415, as follows:

Sec. 43.1415. DISANNEXATION OF CERTAIN AREAS NOT RECEIVING FULL SERVICES. (a) Provides that this section applies only to an area that:

(1) does not receive full municipal services and was exempt from municipal taxation for more than 20 years under an ordinance that provided that the area was exempt from taxation until full municipal services were provided; or

(2) was annexed for limited purposes before Subchapter F was enacted and has not received at any time full municipal services.

(b) Authorizes a person owning real property wholly or partly located in the area to file a petition requesting the municipality to disannex the portion of the property located in the municipality. Requires that the petition, if the property is located in a subdivision, request disannexation of all real property in the subdivision that is located in the municipality and include the signatures of owners of at least 51 percent of the property in the subdivision that is located in the municipality.

(c) Requires the municipality to disannex the property described by a valid petition filed under Subsection (b) not later than the 30th day after the date the municipality receives the petition. Provides that the filing of the petition creates an irrebuttable presumption that the property is not a part of the municipality. Prohibits the presumption from being contested for any cause after the date the municipality receives the petition.

(d) Authorizes the person filing the petition to bring an action against the municipality to compel disannexation of the property if the municipality fails to disannex the property as required by Subsection (c). Authorizes the person to recover attorney's fees and court costs resulting from bringing the action if the person prevails.

(e) Provides that governmental immunity to suit and from liability of the municipality is waived to the extent of liability created by this section.

SECTION 2. Effective date: upon passage or September 1, 2021.