

By: Kuempel

H.B. No. 2099

A BILL TO BE ENTITLED

AN ACT

relating to the annexation of an unincorporated enclave by certain general-law municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 43, Local Government Code, is amended by adding Section 43.038 to read as follows:

Sec. 43.038. AUTHORITY OF CERTAIN GENERAL-LAW MUNICIPALITIES TO ANNEX UNINCORPORATED ENCLAVE. (a) This section applies only to a municipality:

(1) with a population of 550 to 750; and

(2) that is located in a county adjacent to a county

that:

(A) has a population of more than 1.5 million;

and

(B) contains a municipality in which at least 75 percent of the county's population resides.

(b) A general-law municipality that surrounds an unincorporated enclave may annex the enclave as provided by Section 43.0525 without the consent of the residents of or owners of land in the enclave.

SECTION 2. Section 43.052(h), Local Government Code, is amended to read as follows:

(h) This section does not apply to an area proposed for annexation if:

1 (1) the area contains fewer than 100 separate tracts
2 of land on which one or more residential dwellings are located on
3 each tract;

4 (2) the area will be annexed by petition of more than
5 50 percent of the real property owners in the area proposed for
6 annexation or by vote or petition of the qualified voters or real
7 property owners as provided by Subchapter B;

8 (3) the area is or was the subject of:

9 (A) an industrial district contract under
10 Section 42.044; or

11 (B) a strategic partnership agreement under
12 Section 43.0751;

13 (4) the area is located in a colonia, as that term is
14 defined by Section 2306.581, Government Code;

15 (5) the area is annexed under Section 43.026, 43.027,
16 43.029, ~~or~~ 43.031, or 43.038;

17 (6) the area is located completely within the
18 boundaries of a closed military installation; or

19 (7) the municipality determines that the annexation of
20 the area is necessary to protect the area proposed for annexation or
21 the municipality from:

22 (A) imminent destruction of property or injury to
23 persons; or

24 (B) a condition or use that constitutes a public
25 or private nuisance as defined by background principles of nuisance
26 and property law of this state.

27 SECTION 3. Subchapter C, Chapter 43, Local Government Code,

1 is amended by adding Section 43.0525 to read as follows:

2 Sec. 43.0525. PROCEDURE FOR CERTAIN ANNEXATIONS BY TYPE A
3 GENERAL-LAW MUNICIPALITIES. (a) To initiate an annexation
4 authorized by Section 43.038, the municipality must adopt a
5 resolution proposing to annex the enclave.

6 (b) Sections 43.053, 43.056, 43.0561, 43.0562, 43.0564,
7 43.0565, and 43.057 apply to an annexation initiated under this
8 section, except that:

9 (1) for the purposes of Section 43.053(b), the
10 municipality shall compile the inventory after adopting the
11 resolution proposing to annex the enclave; and

12 (2) for the purposes of Section 43.053(c), the
13 municipality shall request the information necessary to compile the
14 inventory in a manner determined to be appropriate by the governing
15 body of the municipality.

16 (c) An annexation proposed under this section becomes final
17 on the date a plan for the provision of services is negotiated under
18 Section 43.0562 or decided under arbitration under Section 43.0564,
19 as appropriate.

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2017.