

## **Kingwood Annexation Prompts Flurry of Bills in Texas Legislature**

With the recent fracas over the City of Houston's annexation of Kingwood, residents and legislators all over Texas have realized the need for annexation reform.

Sen. Michael Galloway's (R-The Woodlands) SB 313, which would allow a disannexation vote for Kingwood, passed the Senate and has been sent on to the House.

The bill's success stunned many "in the know" who predicted it would never even get out of the committee in the Senate.

As current law stands, a municipality can annex an area within its extraterritorial jurisdiction (ETJ) with relative ease. The municipality needs only a majority of its governing body's approval and a promise to maintain the same level of city services, such as fire protection or emergency medical services, to the newly acquired areas in order to annex that area.

Obviously, there is much room to improve annexation law. Legislators are answering the call for revising the procedure and have introduced numerous bills regarding different aspects of annexation.

One of the main points of contention in the existing law is that residents of the area to be annexed have no means of participating in the decision. Several bills, including ones introduced by Reps. Peggy Hamric (R-Houston) and Sylvester Turner (D-Houston), target this problem.

Many of these bills incorporate the same ideas in that virtually all of them require that 1) a municipality hold an election in the area to be annexed and 2) a majority of the qualified voters in this area approve the annexation. (An election would not be necessary if there were no qualified voters residing in the area.)

Another group of bills deals with the extension/maintenance of city services. Under current law, a municipality must provide equal or better city services than the area proposed for annexation currently enjoys. One of the major points in most of the bills concerns the service plan offered by the municipality. Currently, only the annexing party needs to approve the service plan (which carries the weight of a contractual obligation.)

Sen. Jon Lindsay (R-Houston) is trying to change this stipulation. One of the provisions in Sen. Lindsay's SB 955 is that both the governing body of the municipality and the governing bodies of any municipal utility or special districts in the area approve the service plan.

The bill goes even further in promoting the involvement of the proposed annexed area. In fact, the bill would require the municipality to contract the existing service providers, should a majority of the voters in the proposed area vote to do so in an election held for that purpose.

Sen. Lindsay is also among a group of legislators, including Reps. Crabb(R-Humble) and Rabuck (R-Conroe), who among others, are interested in changing another important aspect of annexation law – the right of residents in a newly annexed area to participate in local elections.

Currently, a municipality may hold an election after the annexation but before the U.S. Justice Department grants clearance of the annexation thereby confirming that the annexation met all of the stipulations that make it legal.

By having an election before the Justice Department declares the annexation legal, the residents of the annexed area are denied the right to participate in the election. Several bills have been filed which, if passed, would ensure that citizens are never again denied this fundamental right.