



TEXAS MUNICIPAL LEAGUE
Empowering Texas cities to serve their citizens

President **David Rutledge**, Mayor, Bridge City
Executive Director **Bennett Sandlin**

April 5, 2023

The Honorable DeWayne Burns
Chairman, House Land and Resource Management Committee
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Dear Chairman Burns:

I am writing on behalf of the Texas Municipal League in opposition to **H.B. 1307** by **Representative Toth**. The ability to annex and regulate territory in the extraterritorial jurisdiction (ETJ) have historically been the two most important tools for cities to manage the massive population growth in Texas. Because this bill would authorize registered voters in certain areas to petition for disannexation, and subsequently petition for release from a city's ETJ, we have concerns with the bill.

The Municipal Annexation Act, specifically Local Government Code Section 43.056, requires cities to provide various services, such as fire and police response, immediately upon annexation. That section allows cities a longer time to provide capital-intensive services like water and wastewater. If a city fails or refuses to provide services or to cause services to be provided to an annexed area, the qualified voters of the area may petition for disannexation. In other words, disannexation for failure to provide services is a remedy provided under current state law.

This bill would expand the remedy of disannexation for failure to provide services to a whole new group of property owners—property owners who decades ago won a legal dispute against a city and who have, since the litigation ended, been provided services as required by state law. For example, this bill would allow the residents of the West Rim subdivision in the City of Austin to petition for disannexation even though their lawsuit took place over 10 years ago, was resolved in arbitration, and they have been receiving adequate services per the arbitrator's decision.

Unfortunately, the bill delivers a one-two punch to a city. It would go on to allow the same individuals who are disannexed the ability to then petition for release from the city's ETJ. The ETJ, a concept created by the Texas Legislature in 1963, was established in order to promote and protect the health, safety, and welfare of persons residing in and adjacent to cities, a sort of buffer zone outside of a city's corporate limits. This bill strips a city of its ability to fulfill this legislative purpose. By requiring a city to release territory from its ETJ, the bill would leave the city with no regulatory authority over territory that is immediately adjacent to (and was formerly inside) the

corporate limits. In other words, the city would be left without any ability to protect citizens inside the city limits who may live just feet away from these newly-disannexed properties.

In sum, the extreme remedies provided in this bill don't make sense in light of current state law and are unfair to other city taxpayers and residents.

Thank you for your consideration and please do not hesitate to contact me if I can be of any assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Monty Wynn". The signature is fluid and cursive, with a large initial "M" and a stylized "W".

Monty Wynn
Director, Grassroots and Legislative Services
Texas Municipal League