



Testimony before the House Committee on Land & Resource Management

House Bill 347

by Shelby Sterling, Policy Analyst

Mr. Chairman and Members of the Committee:

My name is Shelby Sterling, and I am the policy analyst for the Think Local Liberty project at the Texas Public Policy Foundation. Thank you for the opportunity to address the committee today on [House Bill 347](#), which I am here to testify in support of.

Over the last few decades, the process of municipal annexation in Texas has seen significant change come about, mostly in response to periodic controversies and abuses. The most recent change, of course, took place during last legislative session wherein lawmakers addressed a fundamental flaw inherent within the system itself—that is, its involuntary nature.

The Texas Annexation Right to Vote Act, which passed with [broad support](#) during the first called special session of the 85th Legislature, sharply limits forced annexations in some counties and municipalities by requiring affected jurisdictions to hold a public election on the question of being annexed. The act creates a two-tiered system—Tier 1 and Tier 2—that imposes these requirements on Tier 2 cities located in Tier 2 counties with a population of 500,000 or above. Tier 1 cities located in a Tier 1 county are largely unaffected by the act, unless residents take proactive steps to change the dynamics.

Included in the act is an “opt-in election” process that allows a select number of voters to petition for an election that would move a Tier 1 county to a Tier 2 status, thus allowing its residents to come under the law’s protections against forced annexation.

While this process and the act itself are something for property rights advocates to celebrate, it should be seen only as the first step in a much larger effort to enact sound policy. The next step is the passage of legislation like House Bill 347, which proposes to give all citizens the right to vote on whether they want to be incorporated into a neighboring city.

By giving all Texans the right to vote on annexation, the Legislature would remedy a grave injustice. America was founded on the idea that citizens should not be deprived of their liberty without political representation. The same applies to forced annexation.

Citizens who prefer a smaller government and fewer central services live outside the city limits for a reason. Forcing citizens to become part of a city denies them the ability to vote with their feet. Like all governments, cities derive their authority from the people who formed them. Thus, no city should force annexation onto people residing outside its limits without first getting their consent. Further, the creation of a two-tier system means that property owners are treated differently, which is unfair to individuals who should be treated the same.

There is a need to instill fairness in the system so that the people’s right to vote is protected and all counties and municipalities are protected from forced annexation statewide. HB 347 would provide this protection.

Thank you for your time, and I look forward to answering any questions that you may have. ★

ABOUT THE AUTHOR



Shelby Sterling, J.D., is a policy analyst for the Think Local Liberty project at Texas Public Policy Foundation. She was previously an intern in the Foundation's Center for the American Future.

Sterling has a J.D. from Texas A&M University School of Law in Fort Worth. She participated in the law school's residency externship program and graduated with a concentration in public policy. Sterling received her B.A. in Letters from the University of Oklahoma, a combination study of philosophy, history, and literature on the U.S. Constitution and the Founding Fathers.

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