



## HB 347

# Testimony Before the Texas Senate Committee on State Affairs

by James Quintero, Director

Madame Chair and Members of the Committee:

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

The House engrossed version of HB 347 proposes to amend the Local Government Code by eliminating the distinction between Tier 1 and Tier 2 cities and counties for consent annexation. If finally passed by the Legislature, the bill would bring an end to all forced annexations in Texas.

To understand why HB 347 is needed, it is first important to establish how the current operates.

Over the last few decades, the process of municipal annexation has seen significant change come about, mostly in response to periodic controversies and abuses. The most recent change, of course, happened in 2017 when state lawmakers passed [Senate Bill 6](#), or the Texas Annexation Right to Vote Act (TARVA).

The new law was passed during the first called special session of the 85th Texas Legislature, and it requires certain municipalities to hold a public election on the question of annexation. No longer can an affected jurisdiction forcibly annex property owners without their consent.

TARVA created 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 unaffected by the election element, unless residents get proactive.

Included in TARVA is an “opt-in election” process that allows residents to petition for an election that would move a Tier 1 county to a Tier 2 status, thus allowing residents to come under the law’s umbrella of protection. To achieve this outcome, at least 10 percent of registered voters in the county must sign a petition requesting an election on the question of becoming a Tier 2 county and submit that material to the county commissioners court. Then, a majority of registered voters must approve becoming a Tier 2 county at a publicly held election.

This opt-in election process has proved to be quite popular. According to [StopForcedAnnexation.com](#), residents in six counties have already successfully moved from a Tier 1 county status to a Tier 2 county status. Those successful elections include:

- [Parker County](#) voted 81.1 percent to 18.9 percent in favor of change;
- [Wise County](#) voted 77 percent to 23 percent in favor of change;
- [Johnson County](#) voted 77.5 percent to 22.5 percent in favor of change;
- [Freestone County](#) voted 79.3 percent to 20.7 percent in favor of change;
- [Palo Pinto County](#) voted 75.5 percent to 24.5 percent in favor of change; and
- [Atascosa County](#) voted 64.7 percent to 35.3 percent in favor of change.

In addition, another three counties are expected to hold elections in May 2019. Those upcoming elections include: Ellis, Montague, and Reeves counties.

Clearly, the opt-in election process is being utilized; however, that is not to say that the system could not be improved.

While this system in place today is far superior to its predecessor, further reforms are needed. Texans shouldn't have to have an election to protect their property rights against the predations of local officials. These rights should be guaranteed and uniform across the state.

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.

The passage of TARVA in the last legislative session was an important milestone in the fight to reform a broken system, but today it's time to build on that reform and extend the right to vote on annexation to all Texans, regardless of where one resides. I hope the committee looks favorably on HB 347.

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



**James Quintero** is the director of the Think Local Liberty project at the Texas Public Policy Foundation. He's been featured in the *New York Times*, *Forbes*, the *Huffington Post*, Fox News, and Breitbart.

Since joining the Foundation in 2008, Quintero has focused his research efforts on state and local government spending, debt, taxes, financial transparency, annexation, and pension reform. Quintero received a bachelor's degree from the University of Texas at Austin and an M.P.A. with an emphasis in public finance from Texas State University.

### **About Texas Public Policy Foundation**

The Texas Public Policy Foundation is a 501(c)3 non-profit, non-partisan research institute. The Foundation's promotes and defends liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach.

Funded by thousands of individuals, foundations, and corporations, the Foundation does not accept government funds or contributions to influence the outcomes of its research.

The public is demanding a different direction for their government, and the Texas Public Policy Foundation is providing the ideas that enable policymakers to chart that new course.

