

1-1 By: Mowery (Senate Sponsor - Madla) H.B. No. 2212  
1-2 (In the Senate - Received from the House May 12, 2003;  
1-3 May 13, 2003, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 24, 2003, reported favorably, as  
1-5 amended, by the following vote: Yeas 5, Nays 0; May 24, 2003, sent  
1-6 to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Madla

1-8 Amend H.B. 2212 by striking everything below the relating to  
1-9 clause and substituting the following:

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter A, Chapter 211, Local Government  
1-12 Code, is amended by adding Section 211.016 to read as follows:

1-13 Sec. 211.016. CONTINUATION OF LAND USE IN NEWLY  
1-14 INCORPORATED AREAS. (a) A municipality incorporated after  
1-15 September 1, 2003, may not prohibit a person from:

1-16 (1) continuing to use land in the area in the manner in  
1-17 which the land was being used on the date of incorporation if the  
1-18 land use was legal at that time; or

1-19 (2) beginning to use land in the area in the manner  
1-20 that was planned for the land before the 90th day before the  
1-21 effective date of the incorporation if:

1-22 (A) one or more licenses, certificates, permits,  
1-23 approvals, or other forms of authorization by a governmental entity  
1-24 were required by law for the planned land use; and

1-25 (B) a completed application for the initial  
1-26 authorization was filed with the governmental entity before the  
1-27 date of incorporation.

1-28 (b) For purposes of this section, a completed application is  
1-29 filed if the application includes all documents and other  
1-30 information designated as required by the governmental entity in a  
1-31 written notice to the applicant.

1-32 (c) This section does not prohibit a municipality from  
1-33 imposing:

1-34 (1) a regulation relating to the location of sexually  
1-35 oriented businesses, as that term is defined by Section 243.002;

1-36 (2) a municipal ordinance, regulation, or other  
1-37 requirement affecting colonias, as that term is defined by Section  
1-38 2306.581, Government Code;

1-39 (3) a regulation relating to preventing imminent  
1-40 destruction of property or injury to persons;

1-41 (4) a regulation relating to public nuisances;

1-42 (5) a regulation relating to flood control;

1-43 (6) a regulation relating to the storage and use of  
1-44 hazardous substances;

1-45 (7) a regulation relating to the sale and use of  
1-46 fireworks; or

1-47 (8) a regulation relating to the discharge of  
1-48 firearms.

1-49 (d) A municipal ordinance or rule in conflict with this  
1-50 section is void.

1-51 SECTION 2. This Act takes effect September 1, 2003.

1-52 A BILL TO BE ENTITLED  
1-53 AN ACT

1-54 relating to the continuation of legal land use in newly  
1-55 incorporated areas.

1-56 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-57 SECTION 1. Subchapter A, Chapter 211, Local Government  
1-58 Code, is amended by adding Section 211.016 to read as follows:

1-59 Sec. 211.016. CONTINUATION OF LAND USE IN NEWLY  
1-60 INCORPORATED AREAS. (a) A municipality incorporated after January  
1-61 1, 2003, may not prohibit a person from:

1-62 (1) continuing to use land in the area in the manner in

2-1 which the land was being used on the date of incorporation if the  
2-2 land use was legal at that time, provided that the person may not  
2-3 change the manner in which the land is used without obtaining  
2-4 municipal approval; or

2-5 (2) beginning to use land in the area in the manner  
2-6 that was planned for the land before the 90th day before the  
2-7 effective date of the incorporation if:

2-8 (A) one or more licenses, certificates, permits,  
2-9 approvals, or other forms of authorization by a governmental entity  
2-10 were required by law for the planned land use; and

2-11 (B) a completed application for the appropriate  
2-12 initial authorization was filed with the governmental entity before  
2-13 the date of incorporation and the authorization is still pending  
2-14 before the governmental entity on the effective date of the  
2-15 incorporation or the person receives the appropriate initial  
2-16 authorization by that date.

2-17 (b) For purposes of this section, a completed application is  
2-18 filed if the application includes all documents and other  
2-19 information designated as required by the governmental entity in a  
2-20 written notice to the applicant.

2-21 (c) This section does not prohibit a municipality from  
2-22 imposing:

2-23 (1) a regulation relating to the location of sexually  
2-24 oriented businesses, as that term is defined by Section 243.002;

2-25 (2) a municipal ordinance, regulation, or other  
2-26 requirement affecting colonias, as that term is defined by Section  
2-27 2306.581, Government Code;

2-28 (3) a regulation relating to preventing imminent  
2-29 destruction of property or injury to persons;

2-30 (4) a regulation relating to public nuisances;

2-31 (5) a regulation relating to flood control;

2-32 (6) a regulation relating to the storage and use of  
2-33 hazardous substances;

2-34 (7) a regulation relating to the sale and use of  
2-35 fireworks; or

2-36 (8) a regulation relating to the discharge of  
2-37 firearms.

2-38 (d) A municipal ordinance or rule in conflict with this  
2-39 section is void.

2-40 (e) This section does not affect the application of a law  
2-41 prescribing a buffer zone.

2-42 SECTION 2. This Act takes effect immediately if it receives  
2-43 a vote of two-thirds of all the members elected to each house, as  
2-44 provided by Section 39, Article III, Texas Constitution. If this  
2-45 Act does not receive the vote necessary for immediate effect, this  
2-46 Act takes effect September 1, 2003.

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