

1-1 By: Miller (Senate Sponsor - Fraser) H.B. No. 1772
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 21, 2005, reported favorably, as
1-5 amended, by the following vote: Yeas 4, Nays 0; May 21, 2005, sent
1-6 to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Wentworth

1-8 Amend H.B. No. 1772 by adding the following appropriately
1-9 numbered SECTIONS to the bill and renumbering subsequent SECTIONS
1-10 appropriately:

1-11 SECTION __. Subchapter B, Chapter 43, Local Government
1-12 Code, is amended by adding Section 43.035 to read as follows:

1-13 Sec. 43.035. AUTHORITY OF MUNICIPALITY TO ANNEX AREA
1-14 QUALIFIED FOR AGRICULTURAL OR WILDLIFE MANAGEMENT USE. (a) This
1-15 section applies only to an area:

1-16 (1) eligible to be the subject of a development
1-17 agreement under Subchapter G, Chapter 212; and

1-18 (2) appraised for ad valorem tax purposes as land for
1-19 agricultural or wildlife management use under Subchapter C or D,
1-20 Chapter 23, Tax Code.

1-21 (b) A municipality may not annex an area to which this
1-22 section applies unless:

1-23 (1) the municipality offers to make a development
1-24 agreement with the landowner under Section 212.172 that would:

1-25 (A) guarantee the continuation of the
1-26 extraterritorial status of the area; and

1-27 (B) authorize the enforcement of all regulations
1-28 and planning authority of the municipality that do not interfere
1-29 with the agricultural or wildlife management use of the area; and

1-30 (2) the landowner declines to make the agreement
1-31 described by Subdivision (1).

1-32 SECTION __. The change in law made by Section 43.035, Local
1-33 Government Code, as added by this Act, applies only to an annexation
1-34 for which the first hearing required under Section 43.0561 or
1-35 43.063, Local Government Code, as appropriate, occurs on or after
1-36 the effective date of this Act. An annexation for which the first
1-37 hearing under either of those sections was held before the
1-38 effective date of this Act is governed by the law in effect at the
1-39 time of the hearing, and the former law is continued in effect for
1-40 that purpose.

1-41 A BILL TO BE ENTITLED
1-42 AN ACT

1-43 relating to permitting a general-law municipality to annex land in
1-44 certain circumstances.

1-45 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-46 SECTION 1. Section 43.033(a), Local Government Code, is
1-47 amended to read as follows:

1-48 (a) A general-law municipality may annex adjacent territory
1-49 without the consent of any of the residents or voters of the area
1-50 and without the consent of any of the owners of land in the area
1-51 provided that the following conditions are met:

1-52 (1) the municipality has a population of 1,000 or more
1-53 and is not eligible to adopt a home-rule charter;

1-54 (2) the procedural rules prescribed by this chapter
1-55 are met;

1-56 (3) the municipality must be providing the area with
1-57 water or sewer service;

1-58 (4) the area:

1-59 (A) does not include unoccupied territory in
1-60 excess of one acre for each service address for water and sewer
1-61 service; or

1-62 (B) is entirely surrounded by the municipality

2-1 and the municipality is a Type A general-law municipality;

2-2 (5) the service plan requires that police and fire
2-3 protection at a level consistent with protection provided within
2-4 the municipality must be provided to the area within 10 days after
2-5 the effective date of the annexation; and

2-6 (6) the municipality and the affected landowners have
2-7 not entered an agreement to not annex the area for a certain time
2-8 period.

2-9 SECTION 2. This Act takes effect immediately if it receives
2-10 a vote of two-thirds of all the members elected to each house, as
2-11 provided by Section 39, Article III, Texas Constitution. If this
2-12 Act does not receive the vote necessary for immediate effect, this
2-13 Act takes effect September 1, 2005.

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