

By: Hamilton

H.B. No. 1812

Substitute the following for H.B. No. 1812:

By: Harper-Brown

C.S.H.B. No. 1812

A BILL TO BE ENTITLED

AN ACT

relating to annexation and incorporation procedures for certain unincorporated areas in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.851, Local Government Code, is amended by adding Subdivision (2-a) to read as follows:

(2-a) "Affected unincorporated area" means the unincorporated area located within the circumference of a circle, the center of which is the intersection of State Highways 87 and 12 in Newton County, and the radius of which is six miles.

SECTION 2. Sections 43.852, 43.853, and 43.854, Local Government Code, are amended to read as follows:

Sec. 43.852. ANNEXATION PROCEDURES. Notwithstanding Section 43.052(h), an affected municipality may not annex all or part of an affected unincorporated ~~[the] area [located within the Mauriceville boundary]~~ unless the affected municipality:

(1) includes the affected unincorporated area in its municipal annexation plan; and

(2) complies with:

(A) Sections 43.052(a)-(g) and (i)-(j);

(B) Section 43.853; and

(C) other provisions of law relating to annexation.

Sec. 43.853. NOTICE: INCLUDING AREA IN PLAN. (a) An

1 affected municipality that adopts or amends its municipal
2 annexation plan to include all or part of an affected
3 unincorporated [~~the~~] area [~~located within the Mauriceville~~
4 ~~boundary~~] must comply with this chapter and all other requirements
5 of law relating to the adoption or amendment of a municipal
6 annexation plan.

7 (b) Before the 90th day after the date an affected
8 municipality adopts or amends its municipal annexation plan to
9 include all or part of the affected unincorporated area [~~located~~
10 ~~within the Mauriceville boundary~~], the municipality shall post a
11 notice of the proposed annexation in at least three public places
12 within the affected unincorporated area [~~Mauriceville boundary~~].
13 The notice must remain posted for at least seven consecutive days.
14 The first day of posting must occur before that 90th day.

15 (c) On or before the 90th day after the date an affected
16 municipality adopts or amends its municipal annexation plan to
17 include all or part of the affected unincorporated area [~~located~~
18 ~~within the Mauriceville boundary~~], the municipality shall publish a
19 notice of the proposed annexation in at least two newspapers of
20 general circulation within the affected unincorporated area
21 [~~Mauriceville community~~]. The municipality shall publish a second
22 notice in the same manner not less than 7 days and not more than 14
23 days after the first notice is published. If the affected
24 unincorporated area is located within the Mauriceville boundary,
25 the municipality shall publish the notice as provided by this
26 subsection in at least two newspapers of general circulation within
27 the Mauriceville community.

1 Sec. 43.854. NOTICE: REMOVING AREA FROM PLAN. (a) An
2 affected municipality that adopts or amends its municipal
3 annexation plan to remove all or part of an affected unincorporated
4 ~~[the] area [located within the Mauriceville boundary]~~ must comply
5 with this chapter and all other requirements of law relating to the
6 adoption or amendment of a municipal annexation plan.

7 (b) Before the 90th day after the date an affected
8 municipality adopts or amends its municipal annexation plan to
9 remove all or part of the affected unincorporated area ~~[located~~
10 ~~within the Mauriceville boundary]~~, the municipality shall post a
11 notice of the removal in at least three public places within the
12 affected unincorporated area ~~[Mauriceville boundary]~~. The notice
13 must remain posted for seven consecutive days. The first day of
14 posting must occur before that 90th day.

15 (c) On or before the 90th day after the date an affected
16 municipality adopts or amends its municipal annexation plan to
17 remove all or part of the affected unincorporated area ~~[located~~
18 ~~within the Mauriceville boundary]~~, the municipality shall publish a
19 notice of the removal in at least two newspapers of general
20 circulation within the affected unincorporated area ~~[Mauriceville~~
21 ~~community]~~. The municipality shall publish a second notice in the
22 same manner not less than 7 days and not more than 14 days after the
23 first notice is published. If the affected unincorporated area is
24 located within the Mauriceville boundary, the municipality shall
25 publish the notice as provided by this subsection in at least two
26 newspapers of general circulation within the Mauriceville
27 community.

1 SECTION 3. Section 43.855(a), Local Government Code, is
2 amended to read as follows:

3 (a) Except as provided by Subsection (b), if an application
4 or petition to incorporate all or part of an affected
5 unincorporated [~~the~~] area [~~within the Mauriceville boundary~~] is
6 filed with the county judge:

7 (1) a community may be incorporated within the
8 affected unincorporated area [~~Mauriceville boundary~~] under the
9 procedures prescribed by law; and

10 (2) the county judge shall order an incorporation
11 election under the procedures prescribed by law.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2005.