

By: Casteel

H.B. No. 2305

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the annexation of land for which property taxes are  
3 imposed based on the land's value for agricultural or wildlife  
4 management purposes.

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

6 SECTION 1. Subchapter B, Chapter 43, Local Government Code,  
7 is amended by adding Section 43.035 to read as follows:

8 Sec. 43.035. AUTHORITY OF MUNICIPALITY TO ANNEX AREA  
9 QUALIFIED FOR AGRICULTURAL OR WILDLIFE MANAGEMENT USE. (a) This  
10 section applies only to an area:

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

13 (2) appraised for ad valorem tax purposes as land for  
14 agricultural or wildlife management use under Subchapter C or D,  
15 Chapter 23, Tax Code.

16 (b) A municipality may not annex an area to which this  
17 section applies unless:

18 (1) the municipality offers to make a development  
19 agreement with the landowner under Section 212.172 that would:

20 (A) guarantee the continuation of the  
21 extraterritorial status of the area; and

22 (B) authorize the enforcement of all regulations  
23 and planning authority of the municipality that do not interfere  
24 with the agricultural or wildlife management use of the area; and

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

3           SECTION 2. The change in law made by this Act applies only  
4 to an annexation for which the first hearing required under Section  
5 43.0561 or 43.063, Local Government Code, as appropriate, occurs on  
6 or after the effective date of this Act. An annexation for which  
7 the first hearing under either of those sections was held before the  
8 effective date of this Act is governed by the law in effect at the  
9 time of the hearing, and the former law is continued in effect for  
10 that purpose.

11           SECTION 3. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2005.