

By: Madla

S.B. No. 1105

A BILL TO BE ENTITLED

AN ACT

relating to defense adjustment management authorities.

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

SECTION 1. Subsection (a), Section 375.304, Local Government Code, is amended to read as follows:

(a) The governing body of a municipality by resolution or ordinance may create an authority in an area that is:

(1) in the same county as a military installation or facility that is:

(A) closed or realigned under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. Section 2687 note) and its subsequent amendments; or

(B) a base efficiency project as defined by Section 379B.001 [~~378.001, as added by Chapter 1221, Acts of the 76th Legislature, Regular Session, 1999~~]; and

(2) in an area that has been annexed or disannexed for full or limited purposes under Subchapter F, Chapter 43, by a municipality with a population of at least 1.1 million or is in the extraterritorial jurisdiction of a municipality with a population of at least 1.1 million and that has been annexed for limited purposes by the municipality under Subchapter F, Chapter 43.

SECTION 2. Subsection (b), Section 375.305, Local Government Code, is amended to read as follows:

(b) The notice required by Subsection (a) must state:

- 1 (1) the name of the proposed authority;
- 2 (2) the date, time, and place for the public hearing;
- 3 (3) [~~(2)~~] the boundaries of the proposed authority,
- 4 including a map of the proposed authority; and
- 5 (4) [~~(3)~~] the powers of the proposed authority,
- 6 including the power to levy assessments and to impose a sales and
- 7 use tax.

8 SECTION 3. Subsections (d) and (e), Section 375.306, Local  
9 Government Code, is amended to read as follows:

10 (d) School districts whose boundaries overlap with an  
11 authority by 5,000 or more acres shall collectively appoint three  
12 members of the board.

13 (e) Except for the presiding officer, directors [~~Directors~~]  
14 are appointed for terms of two years. Terms of directors may be  
15 staggered, and directors may serve successive terms.

16 SECTION 4. Subchapter O, Chapter 375, Local Government  
17 Code, is amended by adding Section 375.3085 to read as follows:

18 Sec. 375.3085. ANNEXATION OR DISANNEXATION. (a) The board  
19 may vote to annex or disannex territory to an authority.

20 (b) Not earlier than the 60th or later than the 30th day  
21 before the date the board votes on the annexation or disannexation,  
22 the board shall hold two public hearings to consider the annexation  
23 or disannexation. The board must publish notice of each public  
24 hearing in a newspaper of general circulation in the area of the  
25 proposed annexed or disannexed territory at least seven days before  
26 each public hearing.

27 (c) The notice must state:

1           (1) the date, time, and place for the public hearing;  
2 and

3           (2) the amended boundaries of the authority, including  
4 a map of the proposed annexation or disannexation of territory in  
5 the authority.

6           (d) If the board approves the proposed annexation or  
7 disannexation, the board shall submit the action to the governing  
8 body of the municipality for approval. The annexation or  
9 disannexation takes effect on the date the governing body of the  
10 municipality approves the annexation or disannexation by  
11 ordinance.

12           (e) Section 375.043 does not apply to the authority.

13           SECTION 5. Section 375.310, Local Government Code, is  
14 amended to read as follows:

15           Sec. 375.310. AUTHORITY [~~MASTER~~] PLAN. (a) An authority  
16 may only develop or construct public improvements or eligible  
17 projects in areas designated in an authority [~~master~~] plan approved  
18 by the board and the governing body of the municipality that created  
19 the authority.

20           (b) The [~~authority—master~~] plan must include the  
21 information required for a municipal reinvestment zone under  
22 Sections 311.011(b) and (c), Tax Code, for the area of the  
23 authority. For the purposes of applying those sections, the area of  
24 the authority affected constitutes a zone.

25           (c) The authority shall generate the [~~authority—master~~]  
26 plan based on the economic development needs of the property owners  
27 and constituents in the authority.

1 (d) After approval by the board, the authority shall submit  
2 the [~~authority master~~] plan to the municipality for approval.  
3 Before taking action to approve or reject the [~~authority master~~]  
4 plan, the municipality shall make a copy of the proposed [~~authority~~  
5 ~~master~~] plan available to the public and hold hearings and publish  
6 notice of the hearings in the manner required by Section 375.305.  
7 The notice of the public hearings must state where a copy of the  
8 proposed [~~authority master~~] plan is available for inspection.

9 (e) The board may amend and submit the approved [~~authority~~  
10 ~~master~~] plan to the governing body of the municipality for  
11 approval.

12 (f) Before approving the authority's [~~master~~] plan or any  
13 amendment, the municipality shall publish notice and hold hearings  
14 as required by Subsection (d).

15 SECTION 6. Subsection (a), Section 375.312, Local  
16 Government Code, is amended to read as follows:

17 (a) An authority [~~created under this subchapter~~] has the  
18 power of a municipality under Chapters 211 and 212 in the area of  
19 the authority, including an area of the authority that is in the  
20 boundaries of a [~~the~~] municipality's limited purpose jurisdiction.  
21 On annexation of an area of the authority for full purposes by a  
22 municipality, the authority's power to regulate the area under  
23 Chapter 211 or 212 expires. The authority regains the power in an  
24 area if the municipality disannexes the area.

25 SECTION 7. Section 375.3085, Local Government Code, as  
26 added by this Act, applies only to the annexation of an area for  
27 which all parts of the statutory annexation process are begun on or

1 after the effective date of this Act. The annexation of an area for  
2 which any part of the statutory annexation process was begun before  
3 the effective date of this Act is governed by the law in effect  
4 immediately before the effective date of this Act, and the former  
5 law is continued in effect for that purpose.

6 SECTION 8. Section 375.310, Local Government Code, as  
7 amended by this Act, applies only to a public improvement or  
8 eligible project for which development or construction began on or  
9 after the effective date of this Act. A public improvement or  
10 eligible project for which development or construction began before  
11 the effective date of this Act is governed by the law in effect when  
12 the development or construction began, and the former law is  
13 continued in effect for that purpose.

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