

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.