

1-1 By: Madla S.B. No. 1105  
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read  
1-3 first time and referred to Subcommittee on Base Realignment and  
1-4 Closure; April 13, 2005, reported adversely, with favorable  
1-5 Committee Substitute to Committee on Veteran Affairs and Military  
1-6 Installations; May 3, 2005, reported adversely, with favorable  
1-7 Committee Substitute from Committee on Veteran Affairs and Military  
1-8 Installations by the following vote: Yeas 4, Nays 0; May 3, 2005,  
1-9 sent to printer.)

1-10 COMMITTEE SUBSTITUTE FOR S.B. No. 1105 By: Van de Putte

1-11 A BILL TO BE ENTITLED  
1-12 AN ACT

1-13 relating to defense adjustment management authorities.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subsection (a), Section 375.304, Local  
1-16 Government Code, is amended to read as follows:

1-17 (a) The governing body of a municipality by resolution or  
1-18 ordinance may create an authority in an area that is:

1-19 (1) in the same county as a military installation or  
1-20 facility that is:

1-21 (A) closed or realigned under the Defense Base  
1-22 Closure and Realignment Act of 1990 (10 U.S.C. Section 2687 note)  
1-23 and its subsequent amendments; or

1-24 (B) a base efficiency project as defined by  
1-25 Section 379B.001 [~~378.001, as added by Chapter 1221, Acts of the~~  
1-26 ~~76th Legislature, Regular Session, 1999~~]; and

1-27 (2) in an area that has been annexed or disannexed for  
1-28 full or limited purposes under Subchapter F, Chapter 43, by a  
1-29 municipality with a population of at least 1.1 million or is in the  
1-30 extraterritorial jurisdiction of a municipality with a population  
1-31 of at least 1.1 million and that has been annexed for limited  
1-32 purposes by the municipality under Subchapter F, Chapter 43.

1-33 SECTION 2. Subsection (b), Section 375.305, Local  
1-34 Government Code, is amended to read as follows:

1-35 (b) The notice required by Subsection (a) must state:

1-36 (1) the name of the proposed authority;

1-37 (2) the date, time, and place for the public hearing;

1-38 (3) [~~(2)~~] the boundaries of the proposed authority,  
1-39 including a map of the proposed authority; and

1-40 (4) [~~(3)~~] the powers of the proposed authority,  
1-41 including the power to levy assessments and to impose a sales and  
1-42 use tax.

1-43 SECTION 3. Subsections (d) and (e), Section 375.306, Local  
1-44 Government Code, is amended to read as follows:

1-45 (d) School districts whose boundaries overlap with an  
1-46 authority by 5,000 or more acres shall collectively appoint three  
1-47 members of the board.

1-48 (e) Except for the presiding officer, directors [~~Directors~~]  
1-49 are appointed for terms of two years. Terms of directors may be  
1-50 staggered, and directors may serve successive terms.

1-51 SECTION 4. Subchapter O, Chapter 375, Local Government  
1-52 Code, is amended by adding Section 375.3085 to read as follows:

1-53 Sec. 375.3085. ANNEXATION OR DISANNEXATION. (a) The board  
1-54 may vote to annex or disannex territory to an authority.

1-55 (b) Not earlier than the 60th or later than the 30th day  
1-56 before the date the board votes on the annexation or disannexation,  
1-57 the board shall hold two public hearings to consider the annexation  
1-58 or disannexation. The board must publish notice of each public  
1-59 hearing in a newspaper of general circulation in the area of the  
1-60 proposed annexed or disannexed territory at least seven days before  
1-61 each public hearing.

1-62 (c) The notice must state:

1-63 (1) the date, time, and place for the public hearing;

2-1 and

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

2-5 (d) If the board approves the proposed annexation or  
2-6 disannexation, the board shall submit the action to the governing  
2-7 body of the municipality for approval. The annexation or  
2-8 disannexation takes effect on the date the governing body of the  
2-9 municipality approves the annexation or disannexation by  
2-10 ordinance.

2-11 (e) Section 375.043 does not apply to the authority.

2-12 SECTION 5. Section 375.310, Local Government Code, is  
2-13 amended to read as follows:

2-14 Sec. 375.310. AUTHORITY [~~MASTER~~] PLAN. (a) An authority  
2-15 may only develop or construct public improvements or eligible  
2-16 projects in areas designated in an authority [~~master~~] plan approved  
2-17 by the board and the governing body of the municipality that created  
2-18 the authority.

2-19 (b) The [~~authority-master~~] plan must include the  
2-20 information required for a municipal reinvestment zone under  
2-21 Sections 311.011(b) and (c), Tax Code, for the area of the  
2-22 authority. For the purposes of applying those sections, the area of  
2-23 the authority affected constitutes a zone.

2-24 (c) The authority shall generate the [~~authority-master~~]  
2-25 plan based on the economic development needs of the property owners  
2-26 and constituents in the authority.

2-27 (d) After approval by the board, the authority shall submit  
2-28 the [~~authority-master~~] plan to the municipality for approval.  
2-29 Before taking action to approve or reject the [~~authority-master~~]  
2-30 plan, the municipality shall make a copy of the proposed [~~authority~~  
2-31 ~~master~~] plan available to the public and hold hearings and publish  
2-32 notice of the hearings in the manner required by Section 375.305.  
2-33 The notice of the public hearings must state where a copy of the  
2-34 proposed [~~authority-master~~] plan is available for inspection.

2-35 (e) The board may amend and submit the approved [~~authority~~  
2-36 ~~master~~] plan to the governing body of the municipality for  
2-37 approval.

2-38 (f) Before approving the authority's [~~master~~] plan or any  
2-39 amendment, the municipality shall publish notice and hold hearings  
2-40 as required by Subsection (d).

2-41 SECTION 6. Subsection (a), Section 375.312, Local  
2-42 Government Code, is amended to read as follows:

2-43 (a) An authority [~~created under this subchapter~~] has the  
2-44 power of a municipality under Chapters 211 and 212 in the area of  
2-45 the authority, including an area of the authority that is in the  
2-46 boundaries of a [~~the~~] municipality's limited purpose jurisdiction.  
2-47 On annexation of an area of the authority for full purposes by a  
2-48 municipality, the authority's power to regulate the area under  
2-49 Chapter 211 or 212 expires. The authority regains the power in an  
2-50 area if the municipality disannexes the area.

2-51 SECTION 7. Section 375.3085, Local Government Code, as  
2-52 added by this Act, applies only to the annexation of an area for  
2-53 which all parts of the statutory annexation process are begun on or  
2-54 after the effective date of this Act. The annexation of an area for  
2-55 which any part of the statutory annexation process was begun before  
2-56 the effective date of this Act is governed by the law in effect  
2-57 immediately before the effective date of this Act, and the former  
2-58 law is continued in effect for that purpose.

2-59 SECTION 8. Section 375.310, Local Government Code, as  
2-60 amended by this Act, applies only to a public improvement or  
2-61 eligible project for which development or construction began on or  
2-62 after the effective date of this Act. A public improvement or  
2-63 eligible project for which development or construction began before  
2-64 the effective date of this Act is governed by the law in effect when  
2-65 the development or construction began, and the former law is  
2-66 continued in effect for that purpose.

2-67 SECTION 9. This Act takes effect immediately if it receives  
2-68 a vote of two-thirds of all the members elected to each house, as  
2-69 provided by Section 39, Article III, Texas Constitution. If this

3-1 Act does not receive the vote necessary for immediate effect, this  
3-2 Act takes effect September 1, 2005.

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