

By: Miller, Orr, Anderson, Cook of Colorado,
et al.

H.B. No. 1472

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 or timber production.

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 OR AS TIMBER
10 LAND. (a) This 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, or as timber land under Subchapter E of that
16 chapter.

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

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

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

23 (B) authorize the enforcement of all regulations
24 and planning authority of the municipality that do not interfere

1 with the use of the area for agriculture, wildlife management, or
2 timber; and

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

5 (c) For purposes of Section 43.021(2) or another law,
6 including a municipal charter or ordinance, relating to municipal
7 authority to annex an area adjacent to the municipality, an area
8 adjacent or contiguous to an area that is the subject of a
9 development agreement described by Subsection (b)(1) is considered
10 adjacent or contiguous to the municipality.

11 (d) A provision of a development agreement described by
12 Subsection (b)(1) that restricts or otherwise limits the annexation
13 of all or part of the area that is the subject of the agreement is
14 void if the landowner files any type of subdivision plat or related
15 development document for the area with a governmental entity that
16 has jurisdiction over the area, regardless of how the area is
17 appraised for ad valorem tax purposes.

18 (e) A development agreement described by Subsection (b)(1)
19 is not a permit for purposes of Chapter 245.

20 SECTION 2. The change in law made by this Act applies only
21 to an annexation for which the first hearing required under Section
22 43.0561 or 43.063, Local Government Code, as appropriate, occurs on
23 or after the effective date of this Act. An annexation for which
24 the first hearing under either of those sections was held before the
25 effective date of this Act is governed by the law in effect at the
26 time of the hearing, and the former law is continued in effect for
27 that purpose.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2007.