

1-1 By: Miller, et al. (Senate Sponsor - Wentworth) H.B. No. 1472
1-2 (In the Senate - Received from the House April 26, 2007;
1-3 May 1, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 9, 2007, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 9, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the annexation of land for which property taxes are
1-9 imposed based on the land's value for agricultural or wildlife
1-10 management purposes or timber production.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 43, Local Government Code,
1-13 is amended by adding Section 43.035 to read as follows:

1-14 Sec. 43.035. AUTHORITY OF MUNICIPALITY TO ANNEX AREA
1-15 QUALIFIED FOR AGRICULTURAL OR WILDLIFE MANAGEMENT USE OR AS TIMBER
1-16 LAND. (a) This section applies only to an area:

1-17 (1) eligible to be the subject of a development
1-18 agreement under Subchapter G, Chapter 212; and

1-19 (2) appraised for ad valorem tax purposes as land for
1-20 agricultural or wildlife management use under Subchapter C or D,
1-21 Chapter 23, Tax Code, or as timber land under Subchapter E of that
1-22 chapter.

1-23 (b) A municipality may not annex an area to which this
1-24 section applies unless:

1-25 (1) the municipality offers to make a development
1-26 agreement with the landowner under Section 212.172 that would:

1-27 (A) guarantee the continuation of the
1-28 extraterritorial status of the area; and

1-29 (B) authorize the enforcement of all regulations
1-30 and planning authority of the municipality that do not interfere
1-31 with the use of the area for agriculture, wildlife management, or
1-32 timber; and

1-33 (2) the landowner declines to make the agreement
1-34 described by Subdivision (1).

1-35 (c) For purposes of Section 43.021(2) or another law,
1-36 including a municipal charter or ordinance, relating to municipal
1-37 authority to annex an area adjacent to the municipality, an area
1-38 adjacent or contiguous to an area that is the subject of a
1-39 development agreement described by Subsection (b)(1) is considered
1-40 adjacent or contiguous to the municipality.

1-41 (d) A provision of a development agreement described by
1-42 Subsection (b)(1) that restricts or otherwise limits the annexation
1-43 of all or part of the area that is the subject of the agreement is
1-44 void if the landowner files any type of subdivision plat or related
1-45 development document for the area with a governmental entity that
1-46 has jurisdiction over the area, regardless of how the area is
1-47 appraised for ad valorem tax purposes.

1-48 (e) A development agreement described by Subsection (b)(1)
1-49 is not a permit for purposes of Chapter 245.

1-50 SECTION 2. The change in law made by this Act applies only
1-51 to an annexation for which the first hearing required under Section
1-52 43.0561 or 43.063, Local Government Code, as appropriate, occurs on
1-53 or after the effective date of this Act. An annexation for which
1-54 the first hearing under either of those sections was held before the
1-55 effective date of this Act is governed by the law in effect at the
1-56 time of the hearing, and the former law is continued in effect for
1-57 that purpose.

1-58 SECTION 3. This Act takes effect immediately if it receives
1-59 a vote of two-thirds of all the members elected to each house, as
1-60 provided by Section 39, Article III, Texas Constitution. If this
1-61 Act does not receive the vote necessary for immediate effect, this
1-62 Act takes effect September 1, 2007.

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