

By: Corte

H.B. No. 3257

A BILL TO BE ENTITLED

AN ACT

relating to allowing landowners and certain municipalities to enter into voluntary agreements regarding annexation.

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

SECTION 1. Section 43.052, Local Government Code, is amended by adding Subsection (k) to read as follows:

(k) Notwithstanding the restrictions imposed by Subsections (e) and (g), under an agreement described by Section 43.0563 a municipality may annex an area for full or limited purposes at any time on petition of the owner of the area for the annexation if the area:

(1) is in the municipality's annexation plan; or

(2) was previously in the municipality's annexation plan but removed under Subsection (e).

SECTION 2. Section 43.0563, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The governing body of a municipality with a population of less than 1.6 million may negotiate and enter into a written agreement ~~[with representatives designated under Section 43.0562(b)]~~ for the provision of services and the funding of the services in an [the] area with:

(1) representatives designated under Section 43.0562(b), if the area is included in the municipality's

1 annexation plan; or

2 (2) an owner of an area within the extraterritorial  
3 jurisdiction of the municipality if the area is not included in the  
4 municipality's annexation plan.

5 (a-1) An [The] agreement under this section may also include  
6 an agreement related to permissible land uses and compliance with  
7 municipal ordinances.

8 SECTION 3. Section 43.0564(a), Local Government Code, is  
9 amended to read as follows:

10 (a) If the municipality and the representatives of the area  
11 proposed for annexation cannot reach an agreement for the provision  
12 of services under Section 43.0562 or if the municipality and the  
13 property owner representatives described by Section 43.0563(a)(1)  
14 cannot reach an agreement for the provision of services in lieu of  
15 annexation under Section 43.0563, either party by majority decision  
16 of the party's representatives may request the appointment of an  
17 arbitrator to resolve the service plan issues in dispute. The  
18 request must be made in writing to the other party before the 60th  
19 day after the date the service plan is completed under Section  
20 43.056. The municipality may not annex the area under another  
21 section of this chapter during the pendency of the arbitration  
22 proceeding or an appeal from the arbitrator's decision.

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