

Amend CSHB 2221 (house committee printing) as follows:

(1) Strike page 1, line 4 through page 2, line 19.

(2) On page 2, between lines 19 and 20, add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 43.002(a), Local Government Code, is amended to read as follows:

(a) A municipality that annexes an area under this chapter, including an annexation under Subchapter C-2, C-3, or C-4, may not, after annexing an area, prohibit a person from:

(1) continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or

(2) beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the annexation if:

(A) one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and

(B) a completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted.

SECTION \_\_\_\_\_. Chapter 43, Local Government Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. GENERAL APPLICABILITY OF ANNEXATION AUTHORITY AND PROCEDURES

Sec. 43.011. GENERAL APPLICABILITY OF ANNEXATION AUTHORITY AND PROCEDURES. (a) Notwithstanding any other law, Section 43.0671 provides the exclusive annexation authority and procedures for a municipality wholly or partly located in a county with a population of 500,000 or more.

(b) A municipality wholly located in a county with a population of less than 500,000 that proposes to annex an area in a county with a population of 500,000 or more must follow the procedures described by Subchapter C-2, C-3, or C-4, as applicable.

(c) A municipality located in a county with a population of less than 500,000 that extends its corporate boundaries to include an area located in a county with a population of 500,000 or more is,

after the date the municipality's boundaries are extended, subject to Subsection (a).

SECTION \_\_\_\_\_. The heading to Subchapter B, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER B. GENERAL AUTHORITY TO ANNEX: MUNICIPALITIES WHOLLY LOCATED IN A COUNTY WITH POPULATION OF LESS THAN 500,000

(3) On page 2, lines 21-22, strike "OF AREAS WITH A POPULATION OF LESS THAN 200 [~~PROCEDURE FOR AREAS ANNEXED UNDER MUNICIPAL ANNEXATION PLAN~~]" and substitute "PROCEDURE FOR AREAS ANNEXED UNDER MUNICIPAL ANNEXATION PLAN: MUNICIPALITIES WHOLLY LOCATED IN A COUNTY WITH POPULATION OF LESS THAN 500,000".

(4) On page 2, between lines 22 and 23, add the following appropriately numbered SECTIONS to the bill:

SECTION \_\_\_\_\_. Section 43.054(a), Local Government Code, is amended to read as follows:

(a) A municipality [~~with a population of less than 1.6 million~~] may not annex a publicly or privately owned area, including a strip of area following the course of a road, highway, river, stream, or creek, unless the width of the area at its narrowest point is at least 1,000 feet.

SECTION \_\_\_\_\_. Section 43.0562(a), Local Government Code, is amended to read as follows:

(a) After holding the hearings as provided by Section 43.0561:

(1) [~~if a municipality has a population of less than 1.6 million,~~] the municipality and the property owners of the area proposed for annexation shall negotiate for the provision of services to the area after annexation or for the provision of services to the area in lieu of annexation under Section 43.0563; or

(2) if a municipality proposes to annex a special district, as that term is defined by Section 43.052, the municipality and the governing body of the district shall negotiate for the provision of services to the area after annexation or for the provision of services to the area in lieu of annexation under Section 43.0751.

SECTION \_\_\_\_\_. Section 43.0563(a), Local Government Code, is amended 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 for the provision of services and the funding of the services in an area with:

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

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

SECTION \_\_\_\_\_. The heading to Subchapter C-1, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-1. ANNEXATION PROCEDURE FOR AREAS EXEMPTED FROM  
MUNICIPAL ANNEXATION PLAN: MUNICIPALITIES WHOLLY LOCATED IN A  
COUNTY WITH POPULATION OF LESS THAN 500,000

SECTION \_\_\_\_\_. Section 43.062(a), Local Government Code, is amended to read as follows:

(a) Sections 43.051, 43.054, 43.0545, 43.055, 43.0565, [~~43.0567,~~] and 43.057 apply to the annexation of an area to which this subchapter applies.

SECTION \_\_\_\_\_. Section 43.064, Local Government Code, is amended to read as follows:

Sec. 43.064. PERIOD FOR COMPLETION OF ANNEXATION[~~+~~  
~~EFFECTIVE DATE~~]. [~~(a)~~] The annexation of an area must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void. Any period during which the municipality is restrained or enjoined by a court from annexing the area is not included in computing the 90-day period.

[~~(b) Notwithstanding any provision of a municipal charter to the contrary, the governing body of a municipality with a population of 1.6 million or more may provide that an annexation take effect on any date within 90 days after the date of the adoption of the ordinance providing for the annexation.~~]

(5) On page 2, line 23, strike "Subchapter C,".

(6) On page 2, line 24, strike "Sections 43.0511 through 43.0517" and substitute "Subchapters C-2, C-3, and C-4".

(7) On page 2, between lines 25 and 26, insert the following:

SUBCHAPTER C-2. GENERAL ANNEXATION AUTHORITY AND PROCEDURES:  
MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH POPULATION  
OF 500,000 OR MORE

Sec. 43.067. APPLICABILITY. This subchapter applies only to a municipality wholly or partly located in a county with a population of 500,000 or more.

Sec. 43.0671. EXCLUSIVE AUTHORITY AND PROCEDURES FOR ANNEXATION BY MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH POPULATION OF 500,000 OR MORE. (a) Notwithstanding any other law, the following provisions provide the exclusive authority and procedures for a municipality wholly or partly located in a county with a population of 500,000 or more to annex an area:

(1) this subchapter, Subchapter C-3, and Subchapter C-4;

(2) Section 43.0711; and

(3) the provisions listed in Subsection (b).

(b) The following provisions apply to the annexation of an area by a municipality wholly or partly located in a county with a population of 500,000 or more:

(1) Section 43.028;

(2) Section 43.031;

(3) Section 43.035;

(4) Section 43.102; and

(5) Section 43.905(a).

Sec. 43.0672. AUTHORITY TO ANNEX LIMITED TO EXTRATERRITORIAL JURISDICTION. Section 43.051 applies to the annexation of an area by a municipality wholly or partly located in a county with a population of 500,000 or more.

Sec. 43.0673. AUTHORITY TO ANNEX NONCONTIGUOUS AREAS. A municipality may annex an area that is noncontiguous to the boundaries of the municipality if the area is in the municipality's extraterritorial jurisdiction.

Sec. 43.0674. AUTHORITY OF MUNICIPALITY TO ANNEX AREA ON REQUEST OF OWNERS. (a) A municipality may annex an area if each owner of land in the area requests the annexation.

(b) If a municipality elects to annex an area under this section, the governing body of the municipality must first negotiate and enter into a written agreement for the provision of services in the area with the owners of land in the area. The municipality is not required to provide a service that is not included in the agreement.

(c) Before a municipality may annex an area under this section, the governing body of the municipality must conduct at least two public hearings. The hearings must be conducted not less than 10 business days apart. During the first public hearing, the governing body must provide persons interested in the annexation the opportunity to be heard. During the final public hearing, the governing body may adopt an ordinance annexing the area.

Sec. 43.0675. PROVISION OF CERTAIN SERVICES TO ANNEXED AREA. (a) Except as provided by Subsection (c), if a municipality provides solid waste collection within its corporate boundaries before annexation, the municipality must provide those services in the area proposed for annexation on the effective date of the annexation of the area.

(b) Before the second anniversary of the date an area is included within the corporate boundaries of a municipality by annexation, the municipality may not:

(1) prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or

(2) impose a fee for solid waste management services on a person who continues to use the services of a privately owned solid waste management service provider.

(c) A municipality is not required to provide solid waste collection services under Subsection (a) to a person who continues to use the services of a privately owned solid waste management service provider as provided by Subsection (b).

SUBCHAPTER C-3. ANNEXATION OF AREAS WITH POPULATION OF LESS THAN 200 BY MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH POPULATION OF 500,000 OR MORE

Sec. 43.068. APPLICABILITY. This subchapter applies only to a municipality wholly or partly located in a county with a population of 500,000 or more.

(8) On page 2, line 26, strike "43.0511", substitute "43.0681", and renumber cross-references accordingly.

(9) On page 3, line 7, strike "43.0512", substitute "43.0682", and renumber cross-references accordingly.

(10) On page 4, line 2, strike "43.0513", substitute "43.0683", and renumber cross-references accordingly.

(11) On page 4, line 13, strike "43.0514", substitute "43.0684", and renumber cross-references accordingly.

(12) On page 4, line 18, strike "43.0515", substitute "43.0685", and renumber cross-references accordingly.

(13) On page 5, line 12, strike "43.0516", substitute "43.0686", and renumber cross-references accordingly.

(14) On page 6, line 4, strike "43.0517", substitute "43.0687", and renumber cross-references accordingly.

(15) On page 6, strike lines 14-20 and substitute the following:

SUBCHAPTER C-4. ANNEXATION OF AREAS WITH POPULATION OF AT LEAST 200  
BY MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH  
POPULATION OF 500,000 OR MORE

Sec. 43.069. APPLICABILITY. This subchapter applies only to a municipality wholly or partly located in a county with a population of 500,000 or more.

(16) On page 6, line 21, strike "43.0611", substitute "43.0691", and renumber cross-references accordingly.

(17) On page 7, line 5, strike "43.0612", substitute "43.0692", and renumber cross-references accordingly.

(18) On page 7, line 27, strike "43.0613", substitute "43.0693", and renumber cross-references accordingly.

(19) On page 8, line 11, strike "43.0614", substitute "43.0694", and renumber cross-references accordingly.

(20) On page 8, line 19, strike "43.0615", substitute "43.0695", and renumber cross-references accordingly.

(21) On page 9, line 2, strike "43.0616", substitute "43.0696", and renumber cross-references accordingly.

(22) On page 9, line 16, strike "43.0617", substitute "43.0697", and renumber cross-references accordingly.

(23) On page 10, line 13, strike "43.0618", substitute

"43.0698", and renumber cross-references accordingly.

(24) Strike page 10, line 22 through page 19, line 1.

(25) On page 19, line 3, strike "43.07512" and substitute "43.0711".

(26) On page 19, strike lines 4-12 and substitute the following:

Sec. 43.0711. AUTHORITY OF MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH POPULATION OF 500,000 OR MORE TO ANNEX SPECIAL DISTRICTS. (a) Notwithstanding any other law and except as provided by Subsection (b), a municipality wholly or partly located in a county with a population of 500,000 or more:

(1) subject to Subdivision (2), may annex a special district only if the municipality complies with the procedures provided by Subchapter C-2, C-3, or C-4, as applicable; and

(2) beginning September 1, 2015, may not enter into a strategic partnership agreement that provides for limited purpose annexation.

(b) With respect to a special district that is located within the extraterritorial jurisdiction of a municipality wholly or partly located in a county with a population of 500,000 or more on September 1, 2015, the municipality may under the law applicable to the municipality as it existed immediately before September 1, 2015:

(1) annex the district; or

(2) enter into a strategic partnership agreement with the district that provides for limited purpose annexation.

(27) On page 19, strike lines 13-17.

(28) On page 19, line 18, strike "43.102(d)" and substitute "43.102(c)".

(29) On page 19, strike lines 20-25 and substitute the following:

(c) Except as provided by this subsection, the ~~[The]~~ area may be annexed without the consent of the owners or residents of the area. The annexation of an area under this section by a municipality wholly or partly located in a county with a population of 500,000 or more must comply with the procedures of Subchapter C-2, C-3, or C-4, as applicable.

(30) Strike page 19, line 26 through page 20, line 8.

(31) On page 20, strike lines 11-13 and substitute the following:

Sec. 43.1211. AUTHORITY OF MUNICIPALITIES WHOLLY OR PARTLY LOCATED IN A COUNTY WITH POPULATION OF 500,000 OR MORE TO ANNEX FOR LIMITED PURPOSES. (a) Except as provided by Section 43.0711(b), beginning September 1, 2015, a municipality wholly or partly located in a county with a population of 500,000 or more may not annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area.

(b) This section supersedes any municipal charter provision that conflicts with this section.

(32) Strike page 20, line 14 through page 22, line 8.

(33) On page 22, lines 15-16, strike "43.0213, 43.0514, [43.0561] or 43.0614 [43.063]" and substitute "43.0561, [ex] 43.063, 43.0674, 43.0684, or 43.0694".

(34) Strike page 22, line 17 through page 23, line 11.

(35) On page 23, between lines 11 and 12, add the following appropriately numbered SECTION to the bill:

SECTION \_\_\_\_\_. Sections 43.056(d) and (h), 43.0546, and 43.0567, Local Government Code, are repealed.

(36) On page 23, line 14, strike "former".

(37) Renumber SECTIONS of the bill accordingly.