

Amend CSSB 1639 as follows:

(1) Strike SECTION 1 of the bill adding Section 43.003, Local Government Code (page 1, lines 21-28).

(2) Strike SECTION 2 of the bill redesignating and amending Section 43.051, Local Government Code (page 1, lines 29-36).

(3) Strike SECTION 3 of the bill adding Section 43.0212, Local Government Code (page 1, lines 37-54).

(4) Between SECTIONS 3 and 4 of the bill (page 1, between lines 54 and 55), 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

(5) In SECTION 4 of the bill, in the heading to Subchapter C, Chapter 43, Local Government Code (page 1, lines 57-58), 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".

(6) Between SECTIONS 4 and 5 of the bill (page 1, between lines 58 and 59), insert 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.]~~

(7) In SECTION 5 of the bill, in the recital (page 1, line 59), strike "Subchapter C,".

(8) In SECTION 5 of the bill, in the recital (page 1, line 60), strike "Sections 43.0511 through 43.0517" and substitute "Subchapters C-2 and C-3".

(9) In SECTION 5 of the bill, immediately before added Section 43.0511, Local Government Code (page 2, between lines 1 and 2), 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 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. 43.0674. ANNEXATION OF ROADS AND RIGHTS-OF-WAY. Notwithstanding any other law, a municipality may by ordinance annex a road or other right-of-way on request of the owner of the road or right-of-way or the governing body of the political subdivision that maintains the road or right-of-way under the procedures applicable to a general-law municipality wholly located in a county with a population of less than 500,000.

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).

Sec. 43.0676. EFFECT ON OTHER LAW. This subchapter, Subchapter C-3, and Subchapter C-4 do not affect the procedures described by Section 397.005 or 397.006 applicable to a defense community as defined by Section 397.001.

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.

(10) In SECTION 5 of the bill, in the heading to added Section 43.0511, Local Government Code (page 2, line 2), strike "43.0511", substitute "43.0681", and renumber cross-references accordingly.

(11) In SECTION 5 of the bill, in added Section 43.0511, Local Government Code (page 2, line 4), strike the underlined colon.

(12) In SECTION 5 of the bill, in added Section 43.0511(1), Local Government Code (page 2, line 5), strike "(1)".

(13) In SECTION 5 of the bill, in added Section 43.0511(1), Local Government Code (page 2, line 6), strike "; and" and substitute an underlined period.

(14) In SECTION 5 of the bill, strike added Section 43.0511(2), Local Government Code (page 2, lines 7-9).

(15) In SECTION 5 of the bill, in the heading to added Section 43.0512, Local Government Code (page 2, line 10), strike "43.0512", substitute "43.0682", and renumber cross-references accordingly.

(16) In SECTION 5 of the bill, in the heading to added Section 43.0513, Local Government Code (page 2, line 32), strike "43.0513", substitute "43.0683", and renumber cross-references accordingly.

(17) In SECTION 5 of the bill, in added Section 43.0513(2), Local Government Code (page 2, line 39), strike "60-day" and substitute "150-day".

(18) In SECTION 5 of the bill, in the heading to added Section 43.0514, Local Government Code (page 2, line 43), strike "43.0514", substitute "43.0684", and renumber cross-references accordingly.

(19) In SECTION 5 of the bill, in the heading to added Section 43.0515, Local Government Code (page 2, line 48), strike "43.0515", substitute "43.0685", and renumber cross-references accordingly.

(20) In SECTION 5 of the bill, in added Section 43.0515(a), Local Government Code (page 2, line 50), strike "or an owner of land in the area".

(21) In SECTION 5 of the bill, strike the second sentence of added Section 43.0515(a), Local Government Code (page 2, lines 50-53).

(22) In SECTION 5 of the bill, in added Section 43.0515(b), Local Government Code (page 2, line 57), strike "90th" and substitute "180th".

(23) In SECTION 5 of the bill, in added Section 43.0515(e), Local Government Code (page 2, line 64), strike "person" and substitute "writing".

(24) In SECTION 5 of the bill, in the heading to added Section 43.0516, Local Government Code (page 2, line 69), strike "43.0516", substitute "43.0686", and renumber cross-references accordingly.

(25) In SECTION 5 of the bill, in the heading to added Section 43.0517, Local Government Code (page 3, line 19), strike "43.0517", substitute "43.0687", and renumber cross-references accordingly.

(26) Strike SECTION 6 of the bill amending the heading to Subchapter C-1, Chapter 43, Local Government Code (page 3, lines

29-32).

(27) In SECTION 7 of the bill, in the recital (page 3, line 33), strike "Subchapter C-1,".

(28) In SECTION 7 of the bill, in the recital (page 3, line 34), strike "Sections 43.0611 through 43.0618" and substitute "Subchapter C-4".

(29) In SECTION 7 of the bill, immediately before added Section 43.0611, Local Government Code (page 3, between lines 35 and 36), insert 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.

(30) In SECTION 7 of the bill, in the heading to added Section 43.0611, Local Government Code (page 3, line 36), strike "43.0611", substitute "43.0691", and renumber cross-references accordingly.

(31) In SECTION 7 of the bill, in the heading to added Section 43.0612, Local Government Code (page 3, line 47), strike "43.0612", substitute "43.0692", and renumber cross-references accordingly.

(32) In SECTION 7 of the bill, in the heading to added Section 43.0613, Local Government Code (page 3, line 69), strike "43.0613", substitute "43.0693", and renumber cross-references accordingly.

(33) In SECTION 7 of the bill, in the heading to added Section 43.0614, Local Government Code (page 4, line 11), strike "43.0614", substitute "43.0694", and renumber cross-references accordingly.

(34) In SECTION 7 of the bill, in the heading to added Section 43.0615, Local Government Code (page 4, line 19), strike "43.0615", substitute "43.0695", and renumber cross-references accordingly.

(35) In SECTION 7 of the bill, in the heading to added Section 43.0616, Local Government Code (page 4, line 29), strike



"43.0616", substitute "43.0696", and renumber cross-references accordingly.

(36) In SECTION 7 of the bill, in the heading to added Section 43.0617, Local Government Code (page 4, line 43), strike "43.0617", substitute "43.0697", and renumber cross-references accordingly.

(37) In SECTION 7 of the bill, in the heading to added Section 43.0618, Local Government Code (page 4, line 67), strike "43.0618", substitute "43.0698", and renumber cross-references accordingly.

(38) Strike SECTION 8 of the bill amending Section 43.071(e), Local Government Code (page 5, lines 7-22).

(39) Strike SECTION 9 of the bill amending Section 43.0715(c), Local Government Code (page 5, lines 23-56).

(40) Strike SECTION 10 of the bill amending Section 43.072(d), Local Government Code (page 5, lines 57-67).

(41) Strike SECTION 11 of the bill amending Section 43.0751, Local Government Code (page 5, line 68, through page 8, line 22).

(42) In SECTION 12 of the bill, in the recital (page 8, line 24), strike "43.07512" and substitute "43.0711".

(43) In SECTION 12 of the bill, strike added Section 43.07512, Local Government Code (page 8, lines 25-33), 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 CERTAIN 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 either a special district or an industrial district identified by the governing body of a municipality that is located on September 1, 2015, within the

extraterritorial jurisdiction of a municipality wholly or partly located in a county with a population of 500,000 or more, 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.

(44) Strike SECTION 13 of the bill amending Section 43.07515(a), Local Government Code (page 8, lines 34-38).

(45) In SECTION 14 of the bill, in the recital (page 8, line 39), strike "43.102(d)" and substitute "43.102(c)".

(46) In SECTION 14 of the bill, strike amended Section 43.102(d), Local Government Code (page 8, lines 41-46), 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.

(47) Strike SECTION 15 of the bill amending Section 43.1025(c), Local Government Code (page 8, lines 47-56).

(48) In SECTION 16 of the bill, strike added Section 43.1211, Local Government Code (page 8, lines 59-61), 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.

(49) Strike SECTION 17 of the bill amending Section 43.127(a), Local Government Code (page 8, line 62, through page 9, line 4).

(50) Strike SECTION 18 of the bill amending Sections 43.141(a) and (b), Local Government Code (page 9, lines 5-25).

(51) Strike SECTION 19 of the bill amending Section 43.201(2), Local Government Code (page 9, lines 26-30).

(52) Strike SECTION 20 of the bill amending Section 43.203(a), Local Government Code (page 9, lines 31-41).

(53) In SECTION 21 of the bill, in amended Section 43.905(a), Local Government Code (page 9, lines 48-49), strike "43.0212, 43.0514, [43.0561] or 43.0614 [43.063]" and substitute "43.0561, [or] 43.063, 43.0674, 43.0684, or 43.0694".

(54) Strike SECTION 22 of the bill amending Section 775.0754(d), Health and Safety Code (page 9, lines 50-56).

(55) Strike SECTION 23 of the bill repealing certain provisions of law (page 9, line 57, through page 10, line 2).

(56) Between SECTIONS 23 and 24 of the bill (page 9, between lines 2 and 3), 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.

(57) In the first sentence of SECTION 24 of the bill adding transition language (page 10, line 5), strike "former".

(58) Renumber SECTIONS of the bill accordingly.