

By: Ashby, Fallon, Guillen

H.B. No. 1277

A BILL TO BE ENTITLED

AN ACT

relating to requirements for annexation of certain commercial or industrial areas by a general-law municipality.

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

SECTION 1. Subchapter B, Chapter 43, Local Government Code, is amended by adding Section 43.0235 to read as follows:

Sec. 43.0235. ADDITIONAL REQUIREMENTS FOR ANNEXATION OF CERTAIN COMMERCIAL OR INDUSTRIAL AREAS BY GENERAL-LAW MUNICIPALITIES. (a) A general-law municipality may annex an area in which 50 percent or more of the property in the area to be annexed is primarily used for a commercial or industrial purpose only if the municipality:

(1) is otherwise authorized by this subchapter to annex the area and complies with the requirements prescribed under that authority; and

(2) obtains the written consent of the owners of a majority of the property in the area to be annexed.

(b) The consent required by Subsection (a)(2) must be signed by the owners of the property and must include a description of the area to be annexed.

SECTION 2. Section 43.033(a), Local Government Code, is amended to read as follows:

(a) Except as provided by Section 43.0235, a [A] general-law municipality may annex adjacent territory without the consent of

1 any of the residents or voters of the area and without the consent
2 of any of the owners of land in the area provided that the following
3 conditions are met:

4 (1) the municipality has a population of 1,000 or more
5 and is not eligible to adopt a home-rule charter;

6 (2) the procedural rules prescribed by this chapter
7 are met;

8 (3) the municipality must be providing the area with
9 water or sewer service;

10 (4) the area:

11 (A) does not include unoccupied territory in
12 excess of one acre for each service address for water and sewer
13 service; or

14 (B) is entirely surrounded by the municipality
15 and the municipality is a Type A general-law municipality;

16 (5) the service plan requires that police and fire
17 protection at a level consistent with protection provided within
18 the municipality must be provided to the area within 10 days after
19 the effective date of the annexation;

20 (6) the municipality and the affected landowners have
21 not entered an agreement to not annex the area for a certain time
22 period; and

23 (7) if the area is appraised for ad valorem tax
24 purposes as land for agricultural or wildlife management use under
25 Subchapter C or D, Chapter 23, Tax Code:

26 (A) the municipality offers to make a development
27 agreement with the landowner in the manner provided by Section

1 212.172 that would:

2 (i) guarantee the continuation of the
3 extraterritorial status of the area; and

4 (ii) authorize the enforcement of all
5 regulations and planning authority of the municipality that do not
6 interfere with the agricultural or wildlife management use of the
7 area; and

8 (B) the landowner fails to accept an offer
9 described by Paragraph (A) within 30 days after the date the offer
10 is made.

11 SECTION 3. Section 43.034, Local Government Code, is
12 amended to read as follows:

13 Sec. 43.034. AUTHORITY OF GENERAL-LAW MUNICIPALITY TO ANNEX
14 AREA; CERTAIN MUNICIPALITIES. Except as provided by Section
15 43.0235, a [A] general-law municipality may annex adjacent
16 territory without the consent of any of the residents or voters of
17 the area and without the consent of any of the owners of land in the
18 area if:

19 (1) the municipality has a population of 1,762-1,770,
20 part of whose boundary is part of the shoreline of a lake whose
21 normal surface area is 75,000 acres or greater and which is located
22 completely within the State of Texas;

23 (2) the procedural rules prescribed by this chapter
24 are met;

25 (3) the service plan requires that police and fire
26 protection at a level consistent with protection provided within
27 the municipality must be provided to the area within 10 days after

1 the effective date of the annexation; and

2 (4) the municipality and the affected landowners have
3 not entered an agreement to not annex the area for a certain period.

4 SECTION 4. The changes in law made by this Act apply only to
5 an annexation for which the first hearing notice required by
6 Section 43.0561 or 43.063, Local Government Code, as applicable, is
7 published on or after the effective date of this Act. An annexation
8 for which the first hearing notice is published before that date is
9 governed by the law in effect at the time the notice is published,
10 and the former law is continued in effect for that purpose.

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2015.