

1-1 By: Ashby, Fallon, Guillen H.B. No. 1277
 1-2 (Senate Sponsor - Bettencourt)
 1-3 (In the Senate - Received from the House April 29, 2015;
 1-4 May 4, 2015, read first time and referred to Committee on
 1-5 Intergovernmental Relations; May 22, 2015, reported favorably by
 1-6 the following vote: Yeas 7, Nays 0; May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to requirements for annexation of certain commercial or
 1-19 industrial areas by a general-law municipality.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subchapter B, Chapter 43, Local Government Code,
 1-22 is amended by adding Section 43.0235 to read as follows:

1-23 Sec. 43.0235. ADDITIONAL REQUIREMENTS FOR ANNEXATION OF
 1-24 CERTAIN COMMERCIAL OR INDUSTRIAL AREAS BY GENERAL-LAW
 1-25 MUNICIPALITIES. (a) A general-law municipality may annex an area
 1-26 in which 50 percent or more of the property in the area to be annexed
 1-27 is primarily used for a commercial or industrial purpose only if the
 1-28 municipality:

1-29 (1) is otherwise authorized by this subchapter to
 1-30 annex the area and complies with the requirements prescribed under
 1-31 that authority; and

1-32 (2) obtains the written consent of the owners of a
 1-33 majority of the property in the area to be annexed.

1-34 (b) The consent required by Subsection (a)(2) must be signed
 1-35 by the owners of the property and must include a description of the
 1-36 area to be annexed.

1-37 SECTION 2. Section 43.033(a), Local Government Code, is
 1-38 amended to read as follows:

1-39 (a) Except as provided by Section 43.0235, a [A] general-law
 1-40 municipality may annex adjacent territory without the consent of
 1-41 any of the residents or voters of the area and without the consent
 1-42 of any of the owners of land in the area provided that the following
 1-43 conditions are met:

1-44 (1) the municipality has a population of 1,000 or more
 1-45 and is not eligible to adopt a home-rule charter;

1-46 (2) the procedural rules prescribed by this chapter
 1-47 are met;

1-48 (3) the municipality must be providing the area with
 1-49 water or sewer service;

1-50 (4) the area:
 1-51 (A) does not include unoccupied territory in
 1-52 excess of one acre for each service address for water and sewer
 1-53 service; or

1-54 (B) is entirely surrounded by the municipality
 1-55 and the municipality is a Type A general-law municipality;

1-56 (5) the service plan requires that police and fire
 1-57 protection at a level consistent with protection provided within
 1-58 the municipality must be provided to the area within 10 days after
 1-59 the effective date of the annexation;

1-60 (6) the municipality and the affected landowners have
 1-61 not entered an agreement to not annex the area for a certain time

2-1 period; and
2-2 (7) if the area is appraised for ad valorem tax
2-3 purposes as land for agricultural or wildlife management use under
2-4 Subchapter C or D, Chapter 23, Tax Code:

2-5 (A) the municipality offers to make a development
2-6 agreement with the landowner in the manner provided by Section
2-7 212.172 that would:

2-8 (i) guarantee the continuation of the
2-9 extraterritorial status of the area; and

2-10 (ii) authorize the enforcement of all
2-11 regulations and planning authority of the municipality that do not
2-12 interfere with the agricultural or wildlife management use of the
2-13 area; and

2-14 (B) the landowner fails to accept an offer
2-15 described by Paragraph (A) within 30 days after the date the offer
2-16 is made.

2-17 SECTION 3. Section 43.034, Local Government Code, is
2-18 amended to read as follows:

2-19 Sec. 43.034. AUTHORITY OF GENERAL-LAW MUNICIPALITY TO ANNEX
2-20 AREA; CERTAIN MUNICIPALITIES. Except as provided by Section
2-21 43.0235, a [A] general-law municipality may annex adjacent
2-22 territory without the consent of any of the residents or voters of
2-23 the area and without the consent of any of the owners of land in the
2-24 area if:

2-25 (1) the municipality has a population of 1,762-1,770,
2-26 part of whose boundary is part of the shoreline of a lake whose
2-27 normal surface area is 75,000 acres or greater and which is located
2-28 completely within the State of Texas;

2-29 (2) the procedural rules prescribed by this chapter
2-30 are met;

2-31 (3) the service plan requires that police and fire
2-32 protection at a level consistent with protection provided within
2-33 the municipality must be provided to the area within 10 days after
2-34 the effective date of the annexation; and

2-35 (4) the municipality and the affected landowners have
2-36 not entered an agreement to not annex the area for a certain period.

2-37 SECTION 4. The changes in law made by this Act apply only to
2-38 an annexation for which the first hearing notice required by
2-39 Section 43.0561 or 43.063, Local Government Code, as applicable, is
2-40 published on or after the effective date of this Act. An annexation
2-41 for which the first hearing notice is published before that date is
2-42 governed by the law in effect at the time the notice is published,
2-43 and the former law is continued in effect for that purpose.

2-44 SECTION 5. This Act takes effect immediately if it receives
2-45 a vote of two-thirds of all the members elected to each house, as
2-46 provided by Section 39, Article III, Texas Constitution. If this
2-47 Act does not receive the vote necessary for immediate effect, this
2-48 Act takes effect September 1, 2015.

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