

## **BILL ANALYSIS**

Senate Research Center

H.B. 1472  
By: Miller et al. (Wentworth)  
Intergovernmental Relations  
5/8/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law does not provide for a municipality to offer a non-annexation agreement to agricultural producers who own land in an area that a municipality wants to annex. Permissive agreements, were such provided for in statute, might offer a solution to both landowners' and municipalities' issues without the use of annexation.

H.B. 1472 authorizes a municipality to enter into a development agreement with a landowner of agricultural or wildlife management use land, rather than annexing said land.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 43, Local Government Code, by adding Section 43.035, as follows:

Sec. 43.035. **AUTHORITY OF MUNICIPALITY TO ANNEX AREA QUALIFIED FOR AGRICULTURAL OR WILDLIFE MANAGEMENT USE OR AS TIMBER LAND.** (a) Provides that this section applies only to an area that is eligible to be the subject of a development agreement under Subchapter G (Agreement Governing Certain Land in a Municipality's Extraterritorial Jurisdiction), Chapter 212, Local Government Code, and is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C (Land Designated for Agricultural Use) or D (Appraisal of Agricultural Land), Chapter 23, Tax Code, or as timber land under Subchapter E (Appraisal of Timber Land) of that chapter.

(b) Prohibits a municipality from annexing an area to which this section applies unless the municipality offers to make a development agreement with the landowner under Section 212.172 (Development Agreement), Local Government Code (development agreement), that would guarantee the continuation of the area's extraterritorial status and authorize the enforcement of all regulations and planning authority of the municipality that do not interfere with the use of the area for agriculture, wildlife management, or timber, and the landowner declines to make such an agreement.

(c) Provides that an area adjacent or contiguous to an area that is subject to a development agreement is considered adjacent or contiguous to the municipality for purposes of Section 43.021(2) (regarding authority of a home-rule municipality to annex area adjacent to the municipality), Local Government Code, or other certain laws relating to municipal authority to annex an area adjacent to the municipality.

(d) Provides that a provision of a development agreement that restricts or otherwise limits the annexation of all or part of the area that is subject to the agreement is void if the landowner files any type of subdivision plot or related development document for the area with a governmental entity that has

jurisdiction over the area, regardless of how the area is appraised for ad valorem tax purposes.

(e) Provides that a development agreement is not a permit for purposes of Chapter 245 (Issuance of Local Permits), Local Government Code.

SECTION 2. Makes application of this Act prospective

SECTION 3. Effective date: upon passage or September 1, 2007.