

BILL ANALYSIS

Senate Research Center

S.B. 1303
By: Bettencourt et al.
Intergovernmental Relations
6/6/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerned parties observe that property owners are affected by zoning regulations of a municipality when a property owner's land is within a municipality's extraterritorial jurisdiction (ETJ). Intentionally or not, municipalities do not communicate with an owner of a property in their ETJ when the municipality is considering changing zoning regulations. The result is a municipality not informing all property owners impacted by a municipal zoning regulation.

S.B. 1303 addresses these concerns by making changes to law, including certain municipalities creating, maintaining, and formatting maps of the municipality and the availability to the public of maps of the municipality. Including other provisions and changes in law, S.B. 1303 provides that certain municipalities must give advance written notice to each property owner in any area that would be newly included in the municipality's extraterritorial jurisdiction as a result of the proposed annexation. (Original Author's/Sponsor's Statement of Intent)

S.B. 1303 amends current law relating to maps of the actual or proposed boundaries and extraterritorial jurisdiction of a municipality and certain notices related to expanding the boundaries.

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 Section 41.001, Local Government Code, by amending Subsection (a) and adding Subsections (a-1), (d), and (e), as follows:

(a) Requires a municipality to maintain a copy of the map showing the boundaries of the municipality and of its extraterritorial jurisdiction in a location that is easily accessible to the public, including:

(1)–(2) creates these subdivisions from existing text and makes nonsubstantive changes; and

(3) if the municipality maintains an Internet website, on the municipality's website.

(a-1) Requires a municipality to make a copy of a map required under Subsection (a) available without charge.

(d) Requires a home-rule municipality, in addition to the requirements of this section, to create, or contract for the creation of, and make publicly available a digital map that complies with this section. Requires a digital map required under this subsection to be made available without charge and in a format widely used by common geographic information system software. Requires the municipality, if the municipality maintains an Internet website, to make the digital map available on the municipality's website.

(e) Requires a home-rule municipality that does not have common geographic information system software to make the digital map available in any other widely used electronic format in accordance with Subsection (d).

SECTION 2. Amends Section 43.052, Local Government Code, by adding Subsections (f-1) and (f-2), as follows:

(f-1) Requires a home-rule municipality, before the 90th day after the date the municipality adopts or amends an annexation plan under this section (Municipal Annexation Plan Required), to give written notice as provided by this subsection, in addition to the notice provided under Subsection (f) (relating to a requirement of a municipality adopting or amending an annexation plan under this section to give notice to certain affected entities), to each property owner in any area that would be newly included in the municipality's extraterritorial jurisdiction as a result of the proposed annexation. Provides that, for purposes of this subsection, a property owner is the owner as indicated by the appraisal records furnished by the appraisal district for each county in which the area that would be newly included in the municipality's extraterritorial jurisdiction is located. Requires the notice to include certain statements and descriptions.

(f-2) Requires a home-rule municipality, before the 90th day after the date the municipality adopts or amends an annexation plan under this section, to create, or contract for the creation of, and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the municipality's extraterritorial jurisdiction as a result of the proposed annexation, in addition to the notice requirements under Subsection (f). Requires a digital map required under this subsection to be made available without charge and in a format widely used by common geographic information system software or in any other widely used electronic format if the municipality does not have common geographic information system software. Requires the municipality, if the municipality maintains an Internet website, to make the digital map available on the municipality's website.

SECTION 3. Amends Section 43.0561, Local Government Code, by amending Subsection (c) and adding Subsections (d), (e), and (f), as follows:

(c) Creates Subdivisions (1) and (2) from existing text. Requires the municipality to:

(1) makes a nonsubstantive change to this subdivision; and

(2) publish notice of the hearings in a newspaper of general circulation:

(A) and (B) makes nonsubstantive changes to these paragraphs; and

(C) if the municipality is a home-rule municipality, in any area that would be newly included in the municipality's extraterritorial jurisdiction by the expansion of the municipality's extraterritorial jurisdiction resulting from the proposed annexation.

(d) Creates this subsection from existing text and makes no further changes.

(e) Provides that this subsection applies only to a home-rule municipality. Requires the notice for each hearing, if applicable, to include certain statements and descriptions.

(f) Requires the municipality, in addition to the notice required by Subsection (c), to give notice by certified mail to certain entities. Makes nonsubstantive changes.

SECTION 4. Amends Section 43.063, Local Government Code, by amending Subsection (c) and adding Subsections (d), (e), and (f), as follows:

(c) Creates Subdivisions (1) and (2) from existing text. Requires the municipality to:

(1) makes a nonsubstantive change to this subdivision; and

(2) publish notice of the hearings in a newspaper of general circulation:

(A) and (B) makes nonsubstantive changes to these paragraphs; and

(C) if the municipality is a home-rule municipality, in any area that would be newly included in the municipality's extraterritorial jurisdiction by the expansion of the municipality's extraterritorial jurisdiction resulting from the proposed annexation.

(d) Creates this subsection from existing text and makes no further changes.

(e) Provides that this subsection applies only to a home-rule municipality. Requires the notice for each hearing, if applicable, to include certain statements and descriptions.

(f) Requires the municipality, in addition to the notice required by Subsection (c), to give notice by certified mail to each railroad company that serves the municipality and is on the municipality's tax roll if the company's right-of-way is in the area proposed for annexation. Creates this subsection from existing text and makes nonsubstantive changes.

SECTION 5. Amends Subchapter C-1, Chapter 43, Local Government Code, by adding Section 43.0635, as follows:

Sec. 43.0635. MAP REQUIREMENT FOR PROPOSED ANNEXATION. Requires a home-rule municipality, in addition to the notice requirements under Section 43.063 (Annexation Hearing Requirements), before the municipality is authorized to institute annexation proceedings, to create, or contract for the creation of, and make publicly available a digital map that identifies the area proposed for annexation and any area that would be newly included in the municipality's extraterritorial jurisdiction as a result of the proposed annexation. Requires a digital map required under this section to be made available without charge and in a format widely used by common geographic information system software or in any other widely used electronic format if the municipality does not have common geographic information system software. Requires the municipality, if the municipality maintains an Internet website, to make the digital map available on the municipality's website.

SECTION 6. Requires each home-rule municipality, not later than January 1, 2020, to make publicly available a digital map that complies with Section 41.001(d), Local Government Code, as added by this Act.

SECTION 7. (a) Makes application of Section 43.052(f-1), Local Government Code, as added by this Act, prospective.

(b) Makes application of Section 43.052(f-2), Local Government Code, as added by this Act, prospective.

(c) Makes application of Sections 43.0561 and 43.063, Local Government Code, as amended by this Act, prospective.

(d) Makes application of Section 43.0635, Local Government Code, as added by this Act, prospective.

SECTION 8. Effective date: September 1, 2019.