

By: Bettencourt, et al.
(Bell of Montgomery)

S.B. No. 1303

A BILL TO BE ENTITLED

AN ACT

relating to maps of the actual or proposed boundaries and extraterritorial jurisdiction of a municipality and certain notices related to expanding the boundaries.

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

SECTION 1. Section 41.001, Local Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (d), and (e) to read as follows:

(a) Each municipality shall prepare a map that shows the boundaries of the municipality and of its extraterritorial jurisdiction. The municipality shall maintain a copy of the map in a location that is easily accessible to the public, including:

(1) [A copy of the map shall be kept] in the office of the secretary or clerk of the municipality;

(2) if [.— If] the municipality has a municipal engineer, [a copy of the map shall also be kept] in the office of the engineer; and

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

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

(d) In addition to the requirements of this section, a home-rule municipality shall create, or contract for the creation of, and make publicly available a digital map that complies with

1 this section. A digital map required under this subsection must be
2 made available without charge and in a format widely used by common
3 geographic information system software. If the municipality
4 maintains an Internet website, the municipality shall make the
5 digital map available on the municipality's website.

6 (e) A home-rule municipality that does not have common
7 geographic information system software shall make the digital map
8 available in any other widely used electronic format in accordance
9 with Subsection (d).

10 SECTION 2. Section 43.052, Local Government Code, is
11 amended by adding Subsections (f-1) and (f-2) to read as follows:

12 (f-1) In addition to the notice provided under Subsection
13 (f), a home-rule municipality, before the 90th day after the date
14 the municipality adopts or amends an annexation plan under this
15 section, shall give written notice as provided by this subsection
16 to each property owner in any area that would be newly included in
17 the municipality's extraterritorial jurisdiction as a result of the
18 proposed annexation. For purposes of this subsection, a property
19 owner is the owner as indicated by the appraisal records furnished
20 by the appraisal district for each county in which the area that
21 would be newly included in the municipality's extraterritorial
22 jurisdiction is located. The notice must include:

23 (1) a description of the area that has been included in
24 the municipality's annexation plan;

25 (2) a statement that the completed annexation of that
26 area will expand the municipality's extraterritorial jurisdiction
27 to include all or part of the property owner's property;

1 (3) a statement of the purpose of extraterritorial
2 jurisdiction designation as provided by Section 42.001; and

3 (4) a brief description of each municipal ordinance
4 that would be applicable, as authorized by Section 212.003, in the
5 area that would be newly included in the municipality's
6 extraterritorial jurisdiction.

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

21 SECTION 3. Section 43.0561, Local Government Code, is
22 amended by amending Subsection (c) and adding Subsections (d), (e),
23 and (f) to read as follows:

24 (c) The municipality must:

25 (1) post notice of the hearings on the municipality's
26 Internet website if the municipality has an Internet website; and

27 (2) publish notice of the hearings in a newspaper of

1 general circulation:

2 (A) in the municipality;

3 (B) [~~and~~] in the area proposed for annexation;

4 and

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

10 (d) The notice for each hearing must be published at least
11 once on or after the 20th day but before the 10th day before the date
12 of the hearing. The notice for each hearing must be posted on the
13 municipality's Internet website on or after the 20th day but before
14 the 10th day before the date of the hearing and must remain posted
15 until the date of the hearing.

16 (e) This subsection applies only to a home-rule
17 municipality. If applicable, the notice for each hearing must
18 include:

19 (1) a statement that the completed annexation of the
20 area will expand the municipality's extraterritorial jurisdiction;

21 (2) a description of the area that would be newly
22 included in the municipality's extraterritorial jurisdiction;

23 (3) a statement of the purpose of extraterritorial
24 jurisdiction designation as provided by Section 42.001; and

25 (4) a brief description of each municipal ordinance
26 that would be applicable, as authorized by Section 212.003, in the
27 area that would be newly included in the municipality's

1 extraterritorial jurisdiction.

2 (f) In addition to the notice required by Subsection (c),
3 the [The] municipality must give [additional] notice by certified
4 mail to:

5 (1) each public entity, as defined by Section 43.053,
6 and utility service provider that provides services in the area
7 proposed for annexation; and

8 (2) each railroad company that serves the municipality
9 and is on the municipality's tax roll if the company's right-of-way
10 is in the area proposed for annexation.

11 SECTION 4. Section 43.063, Local Government Code, is
12 amended by amending Subsection (c) and adding Subsections (d), (e),
13 and (f) to read as follows:

14 (c) The municipality must:

15 (1) post notice of the hearings on the municipality's
16 Internet website if the municipality has an Internet website; and

17 (2) publish notice of the hearings in a newspaper of
18 general circulation;

19 (A) in the municipality;

20 (B) [and] in the area proposed for annexation;

21 and

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

27 (d) The notice for each hearing must be published at least

1 once on or after the 20th day but before the 10th day before the date
2 of the hearing. The notice for each hearing must be posted on the
3 municipality's Internet website on or after the 20th day but before
4 the 10th day before the date of the hearing and must remain posted
5 until the date of the hearing.

6 (e) This subsection applies only to a home-rule
7 municipality. If applicable, the notice for each hearing must
8 include:

9 (1) a statement that the completed annexation of the
10 area will expand the municipality's extraterritorial jurisdiction;

11 (2) a description of the area that would be newly
12 included in the municipality's extraterritorial jurisdiction;

13 (3) a statement of the purpose of extraterritorial
14 jurisdiction designation as provided by Section 42.001; and

15 (4) a brief description of each municipal ordinance
16 that would be applicable, as authorized by Section 212.003, in the
17 area that would be newly included in the municipality's
18 extraterritorial jurisdiction.

19 (f) In addition to the notice required by Subsection (c),
20 the [The] municipality must give [additional] notice by certified
21 mail to each railroad company that serves the municipality and is on
22 the municipality's tax roll if the company's right-of-way is in the
23 area proposed for annexation.

24 SECTION 5. Subchapter C-1, Chapter 43, Local Government
25 Code, is amended by adding Section 43.0635 to read as follows:

26 Sec. 43.0635. MAP REQUIREMENT FOR PROPOSED ANNEXATION. In
27 addition to the notice requirements under Section 43.063, a

1 home-rule municipality, before the municipality may institute
2 annexation proceedings, shall create, or contract for the creation
3 of, and make publicly available a digital map that identifies the
4 area proposed for annexation and any area that would be newly
5 included in the municipality's extraterritorial jurisdiction as a
6 result of the proposed annexation. A digital map required under
7 this section must be made available without charge and in a format
8 widely used by common geographic information system software or in
9 any other widely used electronic format if the municipality does
10 not have common geographic information system software. If the
11 municipality maintains an Internet website, the municipality shall
12 make the digital map available on the municipality's website.

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

17 SECTION 7. (a) The change in law made by Section
18 43.052(f-1), Local Government Code, as added by this Act, applies
19 only to a prospective expansion of extraterritorial jurisdiction
20 resulting from an area proposed for annexation that is included in a
21 municipal annexation plan on or after September 1, 2019.

22 (b) The change in law made by Section 43.052(f-2), Local
23 Government Code, as added by this Act, applies only to a proposed
24 annexation that is included in a municipal annexation plan on or
25 after September 1, 2019.

26 (c) The changes in law made by Sections 43.0561 and 43.063,
27 Local Government Code, as amended by this Act, apply only to a

1 hearing notice published on or after September 1, 2019. A hearing
2 notice published before September 1, 2019, is governed by the law in
3 effect when the hearing notice was published, and the former law is
4 continued in effect for that purpose.

5 (d) The change in law made by Section 43.0635, Local
6 Government Code, as added by this Act, applies only to a proposed
7 annexation for which the first hearing notice required by Section
8 43.063, Local Government Code, as amended by this Act, is published
9 on or after September 1, 2019.

10 SECTION 8. This Act takes effect September 1, 2019.