

1-1 By: Bettencourt, Campbell, Hall S.B. No. 655
 1-2 (In the Senate - Filed January 30, 2017; February 14, 2017,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; April 11, 2017, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; April 11, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Bettencourt	X			
1-9 Campbell	X			
1-10 Garcia	X			
1-11 Huffines	X			
1-12 Menéndez			X	
1-13 Taylor of Collin	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to certain notice of the extent of a municipality or its
 1-18 extraterritorial jurisdiction.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 41.001, Local Government Code, is
 1-21 amended by adding Subsection (d) to read as follows:

1-22 (d) In addition to the requirements of this section, a
 1-23 home-rule municipality shall make publicly available a digital map
 1-24 that complies with this section. A digital map required under this
 1-25 subsection must be made available without charge and in a format
 1-26 widely used by common geographic information system software.

1-27 SECTION 2. Section 43.052, Local Government Code, is
 1-28 amended by adding Subsections (f-1) and (f-2) to read as follows:

1-29 (f-1) In addition to the notice provided under Subsection
 1-30 (f), a municipality, before the 90th day after the date the
 1-31 municipality adopts or amends an annexation plan under this
 1-32 section, shall give written notice as provided by this subsection
 1-33 to each property owner in any area that would be newly included in
 1-34 the municipality's extraterritorial jurisdiction as a result of the
 1-35 proposed annexation. For purposes of this subsection, a property
 1-36 owner is the owner as indicated by the appraisal records furnished
 1-37 by the appraisal district for each county in which the area that
 1-38 would be newly included in the municipality's extraterritorial
 1-39 jurisdiction is located. The notice must include:

1-40 (1) a description of the area that has been included in
 1-41 the municipality's annexation plan;

1-42 (2) a statement that the completed annexation of that
 1-43 area will expand the municipality's extraterritorial jurisdiction
 1-44 to include all or part of the property owner's property;

1-45 (3) a statement of the purpose of extraterritorial
 1-46 jurisdiction designation as provided by Section 42.001; and

1-47 (4) a list of municipal ordinances that would be
 1-48 applicable, as authorized by Section 212.003, in the area that
 1-49 would be newly included in the municipality's extraterritorial
 1-50 jurisdiction.

1-51 (f-2) In addition to the notice requirements under
 1-52 Subsection (f), a home-rule municipality, before the 90th day after
 1-53 the date the municipality adopts or amends an annexation plan under
 1-54 this section, shall create and make publicly available a digital
 1-55 map that identifies the area proposed for annexation and any area
 1-56 that would be newly included in the municipality's extraterritorial
 1-57 jurisdiction as a result of the proposed annexation. A digital map
 1-58 required under this subsection must be made available without
 1-59 charge and in a format widely used by common geographic information
 1-60 system software.

1-61 SECTION 3. Section 43.0561, Local Government Code, is

2-1 amended by amending Subsection (c) and adding Subsections (d), (e),
2-2 and (f) to read as follows:

2-3 (c) The municipality must:

2-4 (1) post notice of the hearings on the municipality's
2-5 Internet website if the municipality has an Internet website; and

2-6 (2) publish notice of the hearings in a newspaper of
2-7 general circulation;

2-8 (A) in the municipality;

2-9 (B) [~~and~~] in the area proposed for annexation;
2-10 and

2-11 (C) in any area that would be newly included in
2-12 the municipality's extraterritorial jurisdiction by the expansion
2-13 of the municipality's extraterritorial jurisdiction resulting from
2-14 the proposed annexation.

2-15 (d) The notice for each hearing must be published at least
2-16 once on or after the 20th day but before the 10th day before the date
2-17 of the hearing. The notice for each hearing must be posted on the
2-18 municipality's Internet website on or after the 20th day but before
2-19 the 10th day before the date of the hearing and must remain posted
2-20 until the date of the hearing.

2-21 (e) If applicable, the notice for each hearing must include:

2-22 (1) a statement that the completed annexation of the
2-23 area will expand the municipality's extraterritorial jurisdiction;

2-24 (2) a description of the area that would be newly
2-25 included in the municipality's extraterritorial jurisdiction;

2-26 (3) a statement of the purpose of extraterritorial
2-27 jurisdiction designation as provided by Section 42.001; and

2-28 (4) a list of municipal ordinances that would be
2-29 applicable, as authorized by Section 212.003, in the area that
2-30 would be newly included in the municipality's extraterritorial
2-31 jurisdiction.

2-32 (f) In addition to the notice required by Subsection (c),
2-33 the [~~The~~] municipality must give [~~additional~~] notice by certified
2-34 mail to:

2-35 (1) each public entity, as defined by Section 43.053,
2-36 and utility service provider that provides services in the area
2-37 proposed for annexation; and

2-38 (2) each railroad company that serves the municipality
2-39 and is on the municipality's tax roll if the company's right-of-way
2-40 is in the area proposed for annexation.

2-41 SECTION 4. Section 43.063, Local Government Code, is
2-42 amended by amending Subsection (c) and adding Subsections (d), (e),
2-43 and (f) to read as follows:

2-44 (c) The municipality must:

2-45 (1) post notice of the hearings on the municipality's
2-46 Internet website if the municipality has an Internet website; and

2-47 (2) publish notice of the hearings in a newspaper of
2-48 general circulation;

2-49 (A) in the municipality;

2-50 (B) [~~and~~] in the area proposed for annexation;
2-51 and

2-52 (C) in any area that would be newly included in
2-53 the municipality's extraterritorial jurisdiction by the expansion
2-54 of the municipality's extraterritorial jurisdiction resulting from
2-55 the proposed annexation.

2-56 (d) The notice for each hearing must be published at least
2-57 once on or after the 20th day but before the 10th day before the date
2-58 of the hearing. The notice for each hearing must be posted on the
2-59 municipality's Internet website on or after the 20th day but before
2-60 the 10th day before the date of the hearing and must remain posted
2-61 until the date of the hearing.

2-62 (e) If applicable, the notice for each hearing must include:

2-63 (1) a statement that the completed annexation of the
2-64 area will expand the municipality's extraterritorial jurisdiction;

2-65 (2) a description of the area that would be newly
2-66 included in the municipality's extraterritorial jurisdiction;

2-67 (3) a statement of the purpose of extraterritorial
2-68 jurisdiction designation as provided by Section 42.001; and

2-69 (4) a list of municipal ordinances that would be

3-1 applicable, as authorized by Section 212.003, in the area that
3-2 would be newly included in the municipality's extraterritorial
3-3 jurisdiction.

3-4 (f) In addition to the notice required by Subsection (c),
3-5 the ~~[The]~~ municipality must give ~~[additional]~~ notice by certified
3-6 mail to each railroad company that serves the municipality and is on
3-7 the municipality's tax roll if the company's right-of-way is in the
3-8 area proposed for annexation.

3-9 SECTION 5. Subchapter C-1, Chapter 43, Local Government
3-10 Code, is amended by adding Section 43.0635 to read as follows:

3-11 Sec. 43.0635. MAP REQUIREMENT FOR PROPOSED ANNEXATION. In
3-12 addition to the notice requirements under Section 43.063, a
3-13 home-rule municipality, before the municipality may institute
3-14 annexation proceedings, shall create and make publicly available a
3-15 digital map that identifies the area proposed for annexation and
3-16 any area that would be newly included in the municipality's
3-17 extraterritorial jurisdiction as a result of the proposed
3-18 annexation. A digital map required under this section must be made
3-19 available without charge and in a format widely used by common
3-20 geographic information system software.

3-21 SECTION 6. Not later than January 1, 2018, each home-rule
3-22 municipality shall make publicly available a digital map that
3-23 complies with Section 41.001(d), Local Government Code, as added by
3-24 this Act.

3-25 SECTION 7. (a) The change in law made by Section
3-26 43.052(f-1), Local Government Code, as added by this Act, applies
3-27 only to a prospective expansion of extraterritorial jurisdiction
3-28 resulting from an area proposed for annexation that is included in a
3-29 municipal annexation plan on or after September 1, 2017.

3-30 (b) The change in law made by Section 43.052(f-2), Local
3-31 Government Code, as added by this Act, applies only to a proposed
3-32 annexation that is included in a municipal annexation plan on or
3-33 after September 1, 2017.

3-34 (c) The changes in law made by Sections 43.0561 and 43.063,
3-35 Local Government Code, as amended by this Act, apply only to a
3-36 hearing notice published on or after September 1, 2017. A hearing
3-37 notice published before September 1, 2017, is governed by the law in
3-38 effect when the hearing notice was published, and the former law is
3-39 continued in effect for that purpose.

3-40 (d) The change in law made by Section 43.0635, Local
3-41 Government Code, as added by this Act, applies only to a proposed
3-42 annexation for which the first hearing notice required by Section
3-43 43.063, Local Government Code, as amended by this Act, is published
3-44 on or after September 1, 2017.

3-45 SECTION 8. This Act takes effect September 1, 2017.

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