

1-1 By: Bettencourt, Campbell, Hall S.B. No. 1303
1-2 (In the Senate - Filed February 28, 2019; March 7, 2019,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 1, 2019, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; April 1, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

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

1-17 relating to maps of the actual or proposed boundaries and
1-18 extraterritorial jurisdiction of a municipality and certain
1-19 notices related to expanding the boundaries.

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

1-21 SECTION 1. Section 41.001, Local Government Code, is
1-22 amended by amending Subsection (a) and adding Subsections (a-1),
1-23 (d), and (e) to read as follows:

1-24 (a) Each municipality shall prepare a map that shows the
1-25 boundaries of the municipality and of its extraterritorial
1-26 jurisdiction. The municipality shall maintain a copy of the map in
1-27 a location that is easily accessible to the public, including:

1-28 (1) [A copy of the map shall be kept] in the office of
1-29 the secretary or clerk of the municipality;

1-30 (2) if [— If] the municipality has a municipal
1-31 engineer, [a copy of the map shall also be kept] in the office of the
1-32 engineer; and

1-33 (3) if the municipality maintains an Internet website,
1-34 on the municipality's website.

1-35 (a-1) A municipality shall make a copy of a map required
1-36 under Subsection (a) available without charge.

1-37 (d) In addition to the requirements of this section, a
1-38 home-rule municipality shall create, or contract for the creation
1-39 of, and make publicly available a digital map that complies with
1-40 this section. A digital map required under this subsection must be
1-41 made available without charge and in a format widely used by common
1-42 geographic information system software. If the municipality
1-43 maintains an Internet website, the municipality shall make the
1-44 digital map available on the municipality's website.

1-45 (e) A home-rule municipality that does not have common
1-46 geographic information system software shall make the digital map
1-47 available in any other widely used electronic format in accordance
1-48 with Subsection (d).

1-49 SECTION 2. Section 43.052, Local Government Code, is
1-50 amended by adding Subsections (f-1) and (f-2) to read as follows:

1-51 (f-1) In addition to the notice provided under Subsection
1-52 (f), a home-rule municipality, before the 90th day after the date
1-53 the municipality adopts or amends an annexation plan under this
1-54 section, shall give written notice as provided by this subsection
1-55 to each property owner in any area that would be newly included in
1-56 the municipality's extraterritorial jurisdiction as a result of the
1-57 proposed annexation. For purposes of this subsection, a property
1-58 owner is the owner as indicated by the appraisal records furnished
1-59 by the appraisal district for each county in which the area that
1-60 would be newly included in the municipality's extraterritorial
1-61 jurisdiction is located. The notice must include:

2-1 (1) a description of the area that has been included in
 2-2 the municipality's annexation plan;
 2-3 (2) a statement that the completed annexation of that
 2-4 area will expand the municipality's extraterritorial jurisdiction
 2-5 to include all or part of the property owner's property;
 2-6 (3) a statement of the purpose of extraterritorial
 2-7 jurisdiction designation as provided by Section 42.001; and
 2-8 (4) a brief description of each municipal ordinance
 2-9 that would be applicable, as authorized by Section 212.003, in the
 2-10 area that would be newly included in the municipality's
 2-11 extraterritorial jurisdiction.

2-12 (f-2) In addition to the notice requirements under
 2-13 Subsection (f), a home-rule municipality, before the 90th day after
 2-14 the date the municipality adopts or amends an annexation plan under
 2-15 this section, shall create, or contract for the creation of, and
 2-16 make publicly available a digital map that identifies the area
 2-17 proposed for annexation and any area that would be newly included in
 2-18 the municipality's extraterritorial jurisdiction as a result of the
 2-19 proposed annexation. A digital map required under this subsection
 2-20 must be made available without charge and in a format widely used by
 2-21 common geographic information system software or in any other
 2-22 widely used electronic format if the municipality does not have
 2-23 common geographic information system software. If the municipality
 2-24 maintains an Internet website, the municipality shall make the
 2-25 digital map available on the municipality's website.

2-26 SECTION 3. Section 43.0561, Local Government Code, is
 2-27 amended by amending Subsection (c) and adding Subsections (d), (e),
 2-28 and (f) to read as follows:

2-29 (c) The municipality must:

2-30 (1) post notice of the hearings on the municipality's
 2-31 Internet website if the municipality has an Internet website; and

2-32 (2) publish notice of the hearings in a newspaper of
 2-33 general circulation;

2-34 (A) in the municipality;

2-35 (B) [~~and~~] in the area proposed for annexation;

2-36 and

2-37 (C) if the municipality is a home-rule
 2-38 municipality, in any area that would be newly included in the
 2-39 municipality's extraterritorial jurisdiction by the expansion of
 2-40 the municipality's extraterritorial jurisdiction resulting from
 2-41 the proposed annexation.

2-42 (d) The notice for each hearing must be published at least
 2-43 once on or after the 20th day but before the 10th day before the date
 2-44 of the hearing. The notice for each hearing must be posted on the
 2-45 municipality's Internet website on or after the 20th day but before
 2-46 the 10th day before the date of the hearing and must remain posted
 2-47 until the date of the hearing.

2-48 (e) This subsection applies only to a home-rule
 2-49 municipality. If applicable, the notice for each hearing must
 2-50 include:

2-51 (1) a statement that the completed annexation of the
 2-52 area will expand the municipality's extraterritorial jurisdiction;

2-53 (2) a description of the area that would be newly
 2-54 included in the municipality's extraterritorial jurisdiction;

2-55 (3) a statement of the purpose of extraterritorial
 2-56 jurisdiction designation as provided by Section 42.001; and

2-57 (4) a brief description of each municipal ordinance
 2-58 that would be applicable, as authorized by Section 212.003, in the
 2-59 area that would be newly included in the municipality's
 2-60 extraterritorial jurisdiction.

2-61 (f) In addition to the notice required by Subsection (c),
 2-62 the [~~The~~] municipality must give [~~additional~~] notice by certified
 2-63 mail to:

2-64 (1) each public entity, as defined by Section 43.053,
 2-65 and utility service provider that provides services in the area
 2-66 proposed for annexation; and

2-67 (2) each railroad company that serves the municipality
 2-68 and is on the municipality's tax roll if the company's right-of-way
 2-69 is in the area proposed for annexation.

3-1 SECTION 4. Section 43.063, Local Government Code, is
3-2 amended by amending Subsection (c) and adding Subsections (d), (e),
3-3 and (f) to read as follows:

3-4 (c) The municipality must:

3-5 (1) post notice of the hearings on the municipality's
3-6 Internet website if the municipality has an Internet website; and

3-7 (2) publish notice of the hearings in a newspaper of
3-8 general circulation:

3-9 (A) in the municipality;

3-10 (B) ~~and~~ in the area proposed for annexation;

3-11 and

3-12 (C) if the municipality is a home-rule
3-13 municipality, in any area that would be newly included in the
3-14 municipality's extraterritorial jurisdiction by the expansion of
3-15 the municipality's extraterritorial jurisdiction resulting from
3-16 the proposed annexation.

3-17 (d) The notice for each hearing must be published at least
3-18 once on or after the 20th day but before the 10th day before the date
3-19 of the hearing. The notice for each hearing must be posted on the
3-20 municipality's Internet website on or after the 20th day but before
3-21 the 10th day before the date of the hearing and must remain posted
3-22 until the date of the hearing.

3-23 (e) This subsection applies only to a home-rule
3-24 municipality. If applicable, the notice for each hearing must
3-25 include:

3-26 (1) a statement that the completed annexation of the
3-27 area will expand the municipality's extraterritorial jurisdiction;

3-28 (2) a description of the area that would be newly
3-29 included in the municipality's extraterritorial jurisdiction;

3-30 (3) a statement of the purpose of extraterritorial
3-31 jurisdiction designation as provided by Section 42.001; and

3-32 (4) a brief description of each municipal ordinance
3-33 that would be applicable, as authorized by Section 212.003, in the
3-34 area that would be newly included in the municipality's
3-35 extraterritorial jurisdiction.

3-36 (f) In addition to the notice required by Subsection (c),
3-37 the ~~The~~ municipality must give ~~additional~~ notice by certified
3-38 mail to each railroad company that serves the municipality and is on
3-39 the municipality's tax roll if the company's right-of-way is in the
3-40 area proposed for annexation.

3-41 SECTION 5. Subchapter C-1, Chapter 43, Local Government
3-42 Code, is amended by adding Section 43.0635 to read as follows:

3-43 Sec. 43.0635. MAP REQUIREMENT FOR PROPOSED ANNEXATION. In
3-44 addition to the notice requirements under Section 43.063, a
3-45 home-rule municipality, before the municipality may institute
3-46 annexation proceedings, shall create, or contract for the creation
3-47 of, and make publicly available a digital map that identifies the
3-48 area proposed for annexation and any area that would be newly
3-49 included in the municipality's extraterritorial jurisdiction as a
3-50 result of the proposed annexation. A digital map required under
3-51 this section must be made available without charge and in a format
3-52 widely used by common geographic information system software or in
3-53 any other widely used electronic format if the municipality does
3-54 not have common geographic information system software. If the
3-55 municipality maintains an Internet website, the municipality shall
3-56 make the digital map available on the municipality's website.

3-57 SECTION 6. Not later than January 1, 2020, each home-rule
3-58 municipality shall make publicly available a digital map that
3-59 complies with Section 41.001(d), Local Government Code, as added by
3-60 this Act.

3-61 SECTION 7. (a) The change in law made by Section
3-62 43.052(f-1), Local Government Code, as added by this Act, applies
3-63 only to a prospective expansion of extraterritorial jurisdiction
3-64 resulting from an area proposed for annexation that is included in a
3-65 municipal annexation plan on or after September 1, 2019.

3-66 (b) The change in law made by Section 43.052(f-2), Local
3-67 Government Code, as added by this Act, applies only to a proposed
3-68 annexation that is included in a municipal annexation plan on or
3-69 after September 1, 2019.

4-1 (c) The changes in law made by Sections 43.0561 and 43.063,
4-2 Local Government Code, as amended by this Act, apply only to a
4-3 hearing notice published on or after September 1, 2019. A hearing
4-4 notice published before September 1, 2019, is governed by the law in
4-5 effect when the hearing notice was published, and the former law is
4-6 continued in effect for that purpose.

4-7 (d) The change in law made by Section 43.0635, Local
4-8 Government Code, as added by this Act, applies only to a proposed
4-9 annexation for which the first hearing notice required by Section
4-10 43.063, Local Government Code, as amended by this Act, is published
4-11 on or after September 1, 2019.

4-12 SECTION 8. This Act takes effect September 1, 2019.

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