

BILL ANALYSIS

Senate Research Center
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S.B. 655
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, before a municipality can expand its territory via annexation, it is only required to provide notice of two mandatory annexation hearings to owners of property within the territory included in the annexation plan. However, when a municipality expands, its extraterritorial jurisdiction (ETJ) also expands. Property owners who will be included in the expanded ETJ are often unaware of their inclusion in the expansion, yet expansion can be problematic to landowners in an area that previously had little or no regulation as to land use or prohibitions on land use.

S.B. 655 as drafted requires municipalities that expand their boundaries through annexation to give written notice of the scheduled annexation hearings to each property owner in any area that would be newly included in the municipality's extraterritorial jurisdiction as a result of a proposed annexation. Additionally, the required notice must include a list of municipal ordinances that would be applicable to properties in the new ETJ.

Finally, S.B. 655 requires that the municipality provides on its website free of charge a clearly understood digital map of the new ETJ that shows the municipality's annexation plan along with the newly extended ETJ.

As proposed, S.B. 655 amends current law relating to certain notice of the extent of a municipality or its extraterritorial jurisdiction.

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 adding Subsection (d), as follows:

(d) Requires a home-rule municipality, in addition to the requirements of this section, to make publicly available a digital map that complies with this section (Map of Municipal Boundaries and Extraterritorial Jurisdiction). Requires that a digital map required under this subsection be made available without charge and in a format widely used by common geographic information system software.

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

(f-1) Requires a municipality, in addition to the notice provided under Subsection (f) and before the 90th day after the date the municipality adopts or amends an annexation plan under this section, to give written notice as provided by this subsection 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 that the notice include:

- (1) a description of the area that has been included in the municipality's annexation plan;
- (2) a statement that the completed annexation of that area will expand the municipality's extraterritorial jurisdiction to include all or part of the property owner's property;
- (3) a statement of the purpose of extraterritorial jurisdiction designation as provided by Section 42.001 (Purpose of Extraterritorial Jurisdiction); and
- (4) a list of municipal ordinances that would be applicable, as authorized by Section 212.003 (Extension of Rules to Extraterritorial Jurisdiction), in the area that would be newly included in the municipality's extraterritorial jurisdiction.

(f-2) Requires a home-rule municipality, in addition to the notice requirements under Subsection (f) and before the 90th day after the date the municipality adopts or amends an annexation plan under this section, to create 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 that a digital map required under this subsection be made available without charge and in a format widely used by common geographic information system software.

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

(c) Requires the municipality to:

- (1) post notice of the hearings on the municipality's Internet website if the municipality has an Internet website; and
- (2) publish notice of the hearings in a newspaper of general circulation:
 - (A) in the municipality;
 - (B) in the area proposed for annexation; and
 - (C) 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. Makes nonsubstantive changes.

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

(e) Requires the notice for each hearing to include, if applicable:

- (1) a statement that the completed annexation of the area will expand the municipality's extraterritorial jurisdiction;
- (2) a description of the area that would be newly included in the municipality's extraterritorial jurisdiction;
- (3) a statement of the purpose of extraterritorial jurisdiction designation as provided by Section 42.001; and

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

(f) Requires the municipality, in addition to the notice required by Subsection (c), to give notice by certified mail to each public entity, as defined by Section 43.053 (Inventory of Services and Facilities Required), and utility service provider that provides services in the area proposed for annexation and 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. Deletes existing text requiring the municipality to give additional notice certified by mail. 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) Requires the municipality to:

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

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

(A) in the municipality;

(B) in the area proposed for annexation; and

(C) 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. Makes nonsubstantive changes.

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

(e) Requires the notice for each hearing to include, if applicable:

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

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

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

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

(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. Makes conforming 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), and before the municipality is authorized to

institute annexation proceedings, to create 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 that a digital map required under this section be made available without charge and in a format widely used by common geographic information system software.

SECTION 6. Requires each home-rule municipality, not later than January 1, 2018, 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 to September 1, 2017.

(b) Makes application of Section 43.052(f-2), Local Government Code, as added by this Act, prospective to September 1, 2017.

(c) Makes application of Sections 43.0561 and 43.063, Local Government Code, as amended by this Act, prospective to September 1, 2017.

(d) Makes application of Section 43.0635, Local Government Code, as added by this Act, prospective to September 1, 2017.

SECTION 8. Effective date: September 1, 2017.