

- SUBJECT:** Adding requirements for home-rule municipalities proposing annexation
- COMMITTEE:** Land and Resource Management — favorable, without amendment
- VOTE:** 6 ayes — Craddick, Muñoz, C. Bell, Biedermann, Leman, Minjarez  
1 nay — Thierry  
2 absent — Canales, Stickland
- SENATE VOTE:** On final passage, April 11 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — Shelby Sterling, Texas Public Policy Foundation; (*Registered, but did not testify*: Jeremy Fuchs, Texas and Southwestern Cattle Raisers Association; Ned Muñoz, Texas Association of Builders; Edward Sterling, Texas Press Association)  
  
Against — Nicole Smothers, City of Houston; (*Registered, but did not testify*: Tammy Embrey, City of Corpus Christi; TJ Patterson, City of Fort Worth; Monty Wynn, Texas Municipal League)
- BACKGROUND:** Local Government Code sec. 41.001 requires each municipality to prepare a map that shows the boundaries of its extraterritorial jurisdiction and keep a copy of the map in the office of the secretary or clerk and the municipal engineer, if the municipality has one.  
  
Sec. 43.052 requires a municipality that must adopt an annexation plan to, within 90 days after the plan was adopted or amended, give written notice to each property owner in the affected area, each public or private entity providing services in an area proposed for annexation, and each railroad company operating a right-of-way in the area proposed for annexation.  
  
Under sec. 43.0561, before a municipality may institute annexation proceedings for areas under a municipal annexation plan, the governing body must conduct two public hearings. The municipality must post notice of the hearings on its website, if it has one, and publish notice in a

newspaper of general circulation in the municipality and area proposed to be annexed.

Under sec. 43.063, before a municipality may institute annexation proceedings for an area exempted from a municipal annexation plan, the governing body must conduct two public hearings. The municipality must post notice of those hearings on its website and public notice in a newspaper of general circulation in the municipality and the area.

**DIGEST:**

SB 1303 would add requirements for certain home-rule municipalities proposing annexation in areas that would be included in their extraterritorial jurisdiction (ETJ), including requirements that municipalities provide notice to property owners and in a newspaper of general circulation in their areas. A home-rule municipality also would have to create and make public a digital map of its ETJ or, upon a proposed annexation, a digital map of its expanded ETJ.

**Notice to property owners.** The bill would require a home-rule municipality to give written notice to each property owner in any area that would be newly included in the municipality's ETJ as a result of a proposed annexation. The municipality would have to give such notice within 90 days of adopting or amending an annexation plan. The notice would have to include a description of the area included in the municipality's annexation plan, a statement that the completed annexation would expand the ETJ to include all or part of the owner's property, a statement of the purpose of ETJ designation as provided in statute, and a description of municipal ordinances that would be applicable in the area.

This provision would apply only to a prospective expansion of ETJ resulting from an area proposed for annexation that was included in a municipal annexation plan on or after September 1, 2019.

**Notice in newspaper.** A home-rule municipality proposing to annex an area, whether the area was under a municipal annexation plan or exempted from such a plan, would have to publish the required notice of public hearings in a newspaper in general circulation in any area that would be

newly included in the municipality's ETJ as a result of the annexation. The notice would have to include a statement that the completed annexation of the area would expand the municipality's ETJ, a description of the area, a statement of the purpose of ETJ designation as provided in statute, and a description of the municipal ordinances that would be applicable in the area.

This provision would apply only to a hearing notice published on or after September 1, 2019.

**Map of boundaries.** SB 1303 would specify that a municipality would have to maintain a copy of the map showing the boundaries of the municipality's ETJ in a location that was easily accessible to the public. The municipality would be required to maintain the map on a website, if it had one, and to make a copy of the map available without charge.

In addition, a home-rule municipality would have to create and make public a digital map of its ETJ. The bill would require a digital map to be made available without charge and in a format widely used by common geographic information system software. A home-rule municipality that did not have that software instead would have to make the digital map available in any other widely used electronic format. The digital map also would have to be included on the municipality's website, if it had one.

Each home-rule municipality would have to make digital maps publicly available by January 1, 2020.

The bill also would require a home-rule municipality, within 90 days of adopting or amending a municipal annexation plan or before instituting annexation proceedings for an area exempted from such a plan, to create and make public a digital map that identified the area proposed for annexation and any area that would be newly included in the municipality's ETJ.

This provision would apply only to a proposed annexation that was included in a municipal annexation plan, or for which the first hearing

notice was published, on or after September 1, 2019.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

SB 1303 would protect the rights of property owners in an area that, upon successful annexation by a home-rule municipality, would be included in the municipality's extraterritorial jurisdiction (ETJ) by requiring prior notice to be given to those property owners.

Current law requires a municipality to inform property owners who would be included within its boundaries upon annexation, but not those who would be included in the municipality's ETJ. The bill would better inform those property owners by requiring municipalities to give notice to property owners and in a newspaper of general circulation in any area that would be added to the ETJ by the proposed annexation. A description of the municipal ordinances that would be applicable in the ETJ would also have to be provided in notices. Many property owners purposefully live outside municipalities' ETJ and should not have to comply with those ordinances without prior notice and an opportunity to express their concerns about annexation.

SB 1303 also would require municipalities to create, maintain, and make public free of charge a digital map showing the municipalities' boundaries and ETJ. If the municipality had a website, the digital map would have to be posted there. This requirement, along with the expanded notice requirements, are necessary to keep all property owners informed when a municipality is considering expanding its boundaries. Some municipalities already maintain such digital maps, and the additional mailing requirements would not be too costly or an undue burden on municipalities.

**OPPONENTS  
SAY:**

SB 1303 would be unnecessary and costly to home-rule municipalities. Current law already provides for the adequate notice of a proposed annexation for property owners that would be included in the annexed area. Further, the bill's requirements to maintain a digital map and send additional notice to property owners and newspapers would be costly and

burdensome to execute.