



Testimony

Senate Bill 1303

Testimony Before the Texas Senate Committee on Intergovernmental Relations

by Shelby Sterling, Policy Analyst

Mr. Chairman and Members of the Committee:

My name is Shelby Sterling, and I am the policy analyst for the Think Local Liberty project at the Texas Public Policy Foundation. Thank you for the opportunity to address the committee today on [Senate Bill 1303](#). I am here to testify in support of the bill.

The history of municipal ETJ and annexation are closely aligned. In the 1940s and 1950s, Houston and Pasadena were aggressively and forcibly annexing neighboring areas, which they could do right up to the corporate boundaries of a neighboring city. In response, the state of Texas reformed the annexation process by enacting the Municipal Annexation Act of 1963. This reformed process still permitted unilateral municipal annexation but restricted annexation to within certain designated, unincorporated areas contiguous to the city's corporate borders.

The geographical extent of the city's ETJ ranges from one-half mile to five miles, depending on the number of inhabitants of the city. By state law, a city's ETJ can only expand through annexation, landowner request, or an increase in the city's number of inhabitants.

Under current state law, before a municipality can expand its territory via annexation, it is only required to provide notice of two mandatory annexation hearings to property owners within the territory included in the annexation plan. However, following a city's annexation whereby part of its ETJ is absorbed into its boundaries, the city's ETJ is expanded accordingly to encompass new territory. Property owners located within the expanded ETJ are often unaware that they will soon be within the new ETJ boundaries.

This expansion can be problematic because Texans need to be informed that they are now responsible for complying with regulations to a city government they did not elect. This is both a threat to private property rights and the principle of consent of the governed. Therefore, property owners in an area that would be included in the newly extended ETJ as a result of a proposed annexation should be given written notice of the city's scheduled annexation hearings. Further, the notice should include a list of the ordinances that would apply in the ETJ if the annexation is approved.

The passage of the Texas Annexation Right to Vote Act moved the state from a model of "forced annexation" toward a model of "annexation with representation." In light of that change, the process of annexation and ETJ expansion should be re-evaluated. Senate Bill 1303 would amend the law to ensure that potentially affected property owners are given proper notice of possible annexation and are provided sufficient evidence to determine if they could be affected.

Senate Bill 1303 will require that notice be given to each property owner who will be included in the expanded ETJ of a proposed annexation plan. Notice must include, among other things, a list of municipal ordinances that would be applicable in the expanded ETJ. Moreover, SB 1303 also requires municipalities to provide a clearly defined digital map of the new ETJ that displays the municipality's annexation plan along with the newly extended ETJ. The municipality will also be required to bear the cost of creating and maintaining the digital map and ensuring it is accessible to the public.

Thank you for your time, and I look forward to answering any questions you may have. ★

