

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning and Inspections, Planning Division

**AGENDA DATE:** Introduction – August 6, 2019

**PUBLIC HEARING DATE:** September 3, 2019

**CONTACT PERSON NAME AND PHONE NUMBER:**

Philip Etiwe, (915) 212-1553, [EtiwePF@elpasotexas.gov](mailto:EtiwePF@elpasotexas.gov)

Anne Guayante, (915) 212-1814, [Guayanteam@elpasotexas.gov](mailto:Guayanteam@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** Citywide

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An ordinance amending Title 20 (Zoning), Chapter 20.06 (Zoning Districts and Map), Section 20.06.075 (Annexation Procedures) of the El Paso City Code to comply with changes made by the Texas Legislature during the 86<sup>th</sup> legislative session under H.B. 347 and S.B. 1303 regarding annexation procedures. The penalty is as provided under Chapter 20.24 of the El Paso City Code. (Citywide)

**BACKGROUND / DISCUSSION:**

On July 25, 2019, the City Plan Commission reviewed and recommended approval of the proposed amendments.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

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Philip F. Etiwe, Director  
Planning and Inspections Department

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.06 (ZONING DISTRICTS AND MAP), SECTION 20.06.075 (ANNEXATION PROCEDURES) OF THE EL PASO CITY CODE TO COMPLY WITH CHANGES MADE BY THE TEXAS LEGISLATURE DURING THE 86<sup>TH</sup> LEGISLATIVE SESSION UNDER H.B. 347 AND S.B. 1303 REGARDING ANNEXATION PROCEDURES. THE PENALTY IS AS PROVIDED UNDER CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, the City Plan Commission on July 25, 2019 recommended approval of the amendments.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**SECTION 1.** That Title 20 (Zoning), Chapter 20.06 (Zoning Districts and Map), Section 20.06.075 (Annexation Procedures), is amended in its entirety and replaced by the following section:

**20.06.075 (Annexation Procedures)**

A. Annexation of property shall follow the procedures stated in Chapter 43 of the Local Government Code.

(1) Application. The owner(s) of a tract of land, or the owner's agent if authorized in writing, who desires that the tract be annexed into the corporate limits of the city, shall submit an annexation application, using the application form prescribed by the Planning & Inspections Department to the Planning & Inspections Department. However, if the proposed annexation is a result of an annexation petition granted by City Council, no application shall be required, but the petitioners shall submit all other information and documentation required in this subsection.

a. The applicant shall also submit along with the application, the following:

- (1) Legal description of the property.
- (2) A survey and metes and bounds description of the property, sealed by a registered public surveyor licensed in the State of Texas.
- (3) A digital copy of a general development plan drawn at a scale of at least 1"=50' showing
  - (a) The boundaries of the property.
  - (b) Location of existing buildings and structures.
  - (c) General arrangement of existing and proposed land uses, including

any zoning proposed, and including but not limited to, parks, schools, public facilities and civic places sites; open space, trails, streets, bikeways, major drainage ways and transit corridors.

(d) The proposed density expressed in units per acre and population by land use projected for the next ten years.

(h) Layout and relationship of the proposed development to surrounding land uses, including zoning.

(i) Other submittal requirements as specified in state law and municipal ordinances or regulations.

(4) A certification from a title company authorized to do business in the State of Texas that the applicant is the owner of the property.

(5) Application fee as adopted by City Council. Annexations as a result of a petition shall also be required to file a processing fee.

b. The Planning & Inspections Department shall review the application and determine whether the application is complete. If the application is not complete, the application will be returned to the applicant with a statement of what information is missing.

(2) Annexation policy. The completed application shall be reviewed to determine whether the proposed annexation complies with the requirements of the City's annexation policy. If the proposed annexation complies with the annexation policy, then the application shall be processed in accordance with the provisions of Chapter 43 of the Local Government Code. If the proposed annexation does not comply with annexation policy, then the applicant shall be advised of the reasons why and the application process shall end. An applicant may appeal to the City Council a determination that an application does not comply with the annexation policy. If an applicant wishes to appeal a determination that the application does not meet the requirements of the annexation policy, then the applicant shall submit to the Director of the Planning and Inspections Department a notice of appeal. Upon receipt of notice of appeal and as soon as possible under the circumstances, the Director of the Planning and Inspections Department shall place the appeal on the City Council Agenda. City Council shall review the proposed annexation to determine whether it is in compliance with the policy, or if there are extraordinary circumstances which merit that the property be annexed. If City Council determines that the property should be annexed, then the Director for the Planning and Inspections Department shall continue with processing the application in accordance to state law.

(3) Service agreement. Each annexation shall include a service agreement which shall establish the terms and conditions under which the land shall be annexed into the city. The service agreement will include a service plan in accordance with Chapter 43 of the Local Government Code. Once the terms and conditions of the service agreement have been determined, the service agreement shall be forwarded to City Council for approval. If approved, the service agreement shall be attached to the ordinance annexing the area. Upon City Council approval of the service agreement, City Council shall direct the deputy director for the Planning & Inspections Department to prepare

an ordinance annexing the area in accordance with Chapter 43 of the Texas Local Government Code.

- (4) Public hearings. All public hearings shall be conducted in accordance with the procedures of Chapter 43 of the Texas Local Government Code, or any successor statute. The proposed service agreement prepared by the director for the Planning & Inspections Department must be made available for public inspection and explained to the inhabitants of the area at the public hearing. The plan may be amended through negotiation at the hearing, but the provision of any service may not be deleted.
- (5) Procedures after annexation. If City Council approves the annexation ordinance, the director of the Planning & Inspections Department shall prepare for the mayor's signature a letter, including as attachments certified copies of documents showing the change in boundaries of the City in addition to the change in boundaries to the City's ETJ, which shall be sent to the county clerk within thirty days of annexation.
- (6) The City Clerk shall send certified copies of the annexation ordinance to the Texas Comptroller of Public Accounts, Sales Tax Division notifying the comptroller of the change in City boundaries. The director of the Planning & Inspections Department shall send certified letters notifying the entities listed here of the change in City boundaries:
  - a. United States Bureau of the Census, Boundary and Annexation Survey
  - b. Texas Department of Transportation, Planning and Program Division
  - c. Texas Commission on Fire Protection
  - d. Texas Department of Insurance
  - e. El Paso County Tax Assessor
  - f. El Paso County Commission
  - g. El Paso Central Appraisal District
  - h. Any effected school district, as described in Section 43.905, Effect of Annexation on Operation of School District, of the Local Government Code
  - i. Any other effected public entity, as defined in Section 43.9051, Notification of Public Entities, of the Local Government Code.

**SECTION 2.** Except as herein amended Title 20 remains in full force and effect.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**THE CITY OF EL PASO:**

**ATTEST:**


\_\_\_\_\_  
Dee Margo, Mayor

\_\_\_\_\_  
Laura D. Prine, City Clerk

(Signatures on the following page)

**ORDINANCE NO.** \_\_\_\_\_  
19-1007-2469 | 909917  
Title 20 Amendment-Annexation Procedures  
OAR

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
Omar A. De La Rosa  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

## **MEMORANDUM**

**DATE:** July 30, 2019

**TO:** The Honorable Mayor and City Council  
Tommy Gonzalez, City Manager

**FROM:** Raul Garcia, Planning Program Manager

**SUBJECT:** Amendments to Title 20.06

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The City Plan Commission (CPC), on July 25, 2019 voted 6-0 to recommend **approval** of the amendments. The CPC found that the amendments are in conformance with Plan El Paso. The CPC also determined that the amendments protect the best interest, health, safety and welfare of the public in general; and, that the amendments will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division has not received any letters or phone calls in support or opposition of the amendments.

## 20.06.075 - Annexation procedures.

~~A. Annexation of land contained in the city's annexation plan. Annexation of property contained in the city's annexation plan shall follow the procedures stated in Subchapter C, Annexation Procedure for Areas Annexed under Municipal Annexation Plan, of the Local Government Code.~~

~~B. Annexation of land excepted from annexation plan. Annexations that fall within one of the statutory exceptions which exclude the territory from the requirement of being included in the city's annexation plan shall follow the following procedures:~~

~~1. By petition of the landowner.~~

~~a. The owners of an area meeting the following criteria, may petition the city in writing to annex the area. The area must be:~~

~~(1) One-half mile or less in width; and~~

~~(2) Contiguous to the city; and~~

~~(3) Vacant and without residents or on which fewer than three qualified voters reside.~~

~~b. The petition must describe the area by metes and bounds and must be acknowledged in the manner required for deeds by each person having an interest in the area.~~

~~c. The petition must be filed with the planning development services department.~~

~~d. The planning development services department shall forward the petition to city council. City council shall hear the petition and the arguments for and against the annexation, after the 5th day but on or before the 30th day after the date the petition is filed, and shall either grant or refuse the petition.~~

~~e. If the petition is granted, city council shall direct the director of the planning development services department to initiate the annexation procedures required under Subchapter C-I, Annexation Procedure for Areas Exempted from Municipal Annexation Plan, of the Local Government Code and the annexation petition shall be processed in accordance with the provisions of subsection B.3. below.~~

~~2. Other exceptions. Annexation of property meeting the following criteria shall follow the procedures in subsection B.3.~~

~~a. The area contains fewer than one hundred separate tracts of land on which one or more residential dwellings are located on each tract;~~

~~b. The area will be annexed by petition of more than fifty percent of the real property owners in the area proposed for annexation or by vote or petition of the qualified voters or real property owners as provided by Subchapter B;~~

~~c. The area is or was the subject of:~~

~~(1) An industrial district contract under Section 42.044 of the Local Government Code; or~~

~~(2) A strategic partnership agreement under Section 43.0751 of the Local Government Code; or~~

~~d. The area is located in a colonia, as that term is defined by Section 2306.58142.044 of the Government Code; or~~

~~e. The area is annexed under Section 42.023, 43.027, 42.029, or 43.031 of the Local Government Code; or~~

~~f. The area is located completely within the boundaries of a closed military installation; or~~

~~g. The municipality determines that the annexation of the area is necessary to protect the area proposed for annexation or the municipality from:~~

~~(1) Imminent destruction of property or injury to persons; or~~

~~(2) A condition or use that constitutes a public or private nuisance as defined by background principles of nuisance and property law of this state.~~

~~3. Application. The owner(s) of a tract of land, or the owner's agent if authorized in writing, who desires that the tract be annexed into the corporate limits of the city, shall submit an annexation application, using the application form prescribed by the planning development services department to the planning development services department. However, if the proposed annexation is a result of an annexation petition granted by city council, no application shall be required, but the petitioners shall submit all other information and documentation required in this subsection.~~

~~a. The applicant shall also submit along with the application, the following:~~

~~(1) Legal description of the property.~~

~~(2) Metes and bounds description of the property, sealed by a registered public surveyor licensed in the State of Texas.~~

~~(3) Fifteen copies of a general development plan drawn at a scale of at least 1"=50' showing~~

~~(a) The boundaries of the property.~~

~~(b) Location of existing structures.~~

~~(c) General arrangement of existing and proposed land uses, including any zoning proposed, and including but not limited to, parks, schools, public facilities and civic places sites; open space, trails, bikeways, major drainage ways and transit corridors.~~

~~(d) The proposed density expressed in units per acre and population by land use projected for the next ten years.~~

~~(e) Proposed phasing of the development, if any.~~

~~(f) The proposed traffic circulation, layout, and width of all collector streets and arterial street classifications. The proposed street layout must comply with the adopted thoroughfare plan for the City of El Paso as to location and size of roadways, unless an amendment to such plan will be proposed and stated in the application. If sidewalks, trails, bikeways or bike paths are proposed for collectors and arterial streets, they shall be so stated or shown.~~



~~(g)Layout and relationship of the proposed development to surrounding development, including the location, width, and names of all existing and platted streets, subdivisions, public ways, drainage channels, and other relevant features.~~

~~(h)Layout and relationship of the proposed development to surrounding land uses, including zoning and items in subsection (1) above.~~

~~(i)Dimensions and boundaries of the property.~~

~~(j)Existing major water and sanitary sewer facilities, public streets and other public improvements.~~

~~(k)Existing buildings and structures.~~

~~(l)Other submittal requirements as specified in state law and municipal ordinances or regulations.~~

~~(4)One copy of a location map at a scale of 1"=600'.~~

~~(5)A certification from a title company authorized to do business in the State of Texas that the applicant is the owner of the property.~~

~~(6)An application fee of six hundred and nine dollars or as otherwise subsequently determined by resolution of city council. Annexations as a result of a petition shall also be required to file a processing fee in the same amount.~~

~~b. Within five days of receipt of the application, the planning development services department shall review the application and determine whether the application is complete. If the application is not complete, the application will be returned to the applicant with a statement of what information is missing.~~

~~4. Annexation policy. Except for annexations meeting the criteria of subsection B.1. above, the completed application shall then be reviewed to determine whether the proposed annexation complies with the requirements of the city's annexation policy. If the proposed annexation complies with the annexation policy, then the application shall be processed in accordance with the provisions of Chapter 43 of the Local Government Code. If the proposed annexation does not comply the annexation policy, then the applicant shall be advised of the reasons why and the application process shall cease, unless the applicant appeals to the city council. An appeal to city council should be submitted to the deputy director for the planning development services department who shall place the appeal on the council agenda. City council shall review the proposed annexation to determine whether it is in compliance with the policy, or if there are extraordinary circumstances which merit that the property be annexed. If city council determines that the property should be annexed, then the deputy director for the planning development services department shall continue with processing the application.~~

~~5. Annexation agreement. Each annexation shall include an annexation agreement which shall establish the terms and conditions in which the land shall be annexed into the city. Once the terms and conditions of the annexation agreement have been determined, the annexation agreement shall be forwarded to city council for approval. If approved, the annexation agreement shall be attached to the ordinance annexing the area. Upon city council approval of the annexation agreement, city council shall direct the deputy director for the planning development services department to prepare an annexation service plan in accordance with Section 43.056 of the Local Government Code. The annexation service plan shall~~

~~provide for the extension of full municipal services to the area to be annexed. The annexation agreement shall be attached to the ordinance annexing the area.~~

~~6. Public hearings. All public hearings shall be conducted in accordance with the procedures of Section 43.063, Annexation Hearing Requirements, of the Local Government Code or any successor statute. The proposed annexation service plan prepared by the director for the planning development services department must be made available for public inspection and explained to the inhabitants of the area at the public hearings. The plan may be amended through negotiation at the hearings, but the provision of any service may not be deleted. On completion of the public hearings, the annexation service plan shall be attached to the ordinance annexing the area and approved as part of the ordinance.~~

~~7. Institution of annexation. Annexation proceedings shall be instituted by the city council's introduction of the annexation ordinance. Annexation must be completed within ninety days of the institution of annexation proceedings, except that any period during which the city is restrained or enjoined by a court from annexing the area is not included in computing the ninety day period.~~

~~8. Procedures after annexation. If city council approves the annexation ordinance, the city attorney's office shall apply for preclearance under Section 5, Voting Rights Act of 1965, 42 USC Section 1973c, from the United States Department of Justice on the earliest date permitted under federal law. Within thirty days after receiving preclearance, the director for the planning development services department shall prepare for the mayor's signature in a letter, including as attachments certified copies of documents showing the change in boundaries, which shall be sent to the county clerk within thirty days of receiving preclearance. If the annexation was initiated by petition of the property owners in accordance with Subsection B.1. above, a copy of the petition shall also be attached to the ordinance.~~

~~The city clerk shall send certified copies of the annexation ordinance to the Texas Comptroller of Public Accounts, Sales Tax Division notifying the comptroller of the change in city boundaries. The director for the planning development services department shall send certified copies of the ordinance to Bureau of the Census, Secretary of State, Department of Transportation, Planning and Program Division, Texas Commission on Fire Protection, Department of Insurance, County Tax Assessor, County Commission, any impacted School District, and the Central Appraisal District.~~

## **20.06.075 (Annexation Procedures)**

A. Annexation of property shall follow the procedures stated in Chapter 43 of the Local Government Code.

- (1) Application. The owner(s) of a tract of land, or the owner's agent if authorized in writing, who desires that the tract be annexed into the corporate limits of the city, shall submit an annexation application, using the application form prescribed by the Planning & Inspections Department to the Planning & Inspections Department. However, if the proposed annexation is a result of an annexation petition granted by City Council, no application shall be required, but the petitioners shall submit all other information and documentation required in this subsection.

- a. The applicant shall also submit along with the application, the following:

- (1) Legal description of the property.
  - (2) A survey and metes and bounds description of the property, sealed by a registered public surveyor licensed in the State of Texas.
  - (3) A digital copy of a general development plan drawn at a scale of at least 1"=50' showing
    - (a) The boundaries of the property.
    - (b) Location of existing buildings and structures.
    - (c) General arrangement of existing and proposed land uses, including any zoning proposed, and including but not limited to, parks, schools, public facilities and civic places sites; open space, trails, streets, bikeways, major drainage ways and transit corridors.
    - (d) The proposed density expressed in units per acre and population by land use projected for the next ten years.
    - (h) Layout and relationship of the proposed development to surrounding land uses, including zoning.
    - (i) Other submittal requirements as specified in state law and municipal ordinances or regulations.
  - (4) A certification from a title company authorized to do business in the State of Texas that the applicant is the owner of the property.
  - (5) Application fee as adopted by City Council. Annexations as a result of a petition shall also be required to file a processing fee.
- b. The Planning & Inspections Department shall review the application and determine whether the application is complete. If the application is not complete, the application will be returned to the applicant with a statement of what information is missing.
- (2) Annexation policy. The completed application shall be reviewed to determine whether the proposed annexation complies with the requirements of the City's annexation policy. If the proposed annexation complies with the annexation policy, then the application shall be processed in accordance with the provisions of Chapter 43 of the Local Government Code. If the proposed annexation does not comply with annexation policy, then the applicant shall be advised of the reasons why and the application process shall end. An applicant may appeal to the City Council a determination that an application does not comply with the annexation policy. If an applicant wishes to appeal a determination that the application does not meet the requirements of the annexation policy, then the applicant shall submit to the Director of the Planning and Inspections Department a notice of appeal. Upon receipt of notice of appeal and as soon as possible under the circumstances, the Director of the Planning and Inspections Department shall place the appeal on the City Council Agenda. City Council shall review the proposed annexation to

determine whether it is in compliance with the policy, or if there are extraordinary circumstances which merit that the property be annexed. If City Council determines that the property should be annexed, then the Director for the Planning and Inspections Department shall continue with processing the application in accordance to state law.

- (3) Service agreement. Each annexation shall include a service agreement which shall establish the terms and conditions under which the land shall be annexed into the city. The service agreement will include a service plan in accordance with Chapter 43 of the Local Government Code. Once the terms and conditions of the service agreement have been determined, the service agreement shall be forwarded to City Council for approval. If approved, the service agreement shall be attached to the ordinance annexing the area. Upon City Council approval of the service agreement, City Council shall direct the deputy director for the Planning & Inspections Department to prepare an ordinance annexing the area in accordance with Chapter 43 of the Texas Local Government Code.
- (4) Public hearings. All public hearings shall be conducted in accordance with the procedures of Chapter 43 of the Texas Local Government Code, or any successor statute. The proposed service agreement prepared by the director for the Planning & Inspections Department must be made available for public inspection and explained to the inhabitants of the area at the public hearing. The plan may be amended through negotiation at the hearing, but the provision of any service may not be deleted.
- (5) Procedures after annexation. If City Council approves the annexation ordinance, the director of the Planning & Inspections Department shall prepare for the mayor's signature a letter, including as attachments certified copies of documents showing the change in boundaries of the City in addition to the change in boundaries to the City's ETJ, which shall be sent to the county clerk within thirty days of annexation.
- (6) The City Clerk shall send certified copies of the annexation ordinance to the Texas Comptroller of Public Accounts, Sales Tax Division notifying the comptroller of the change in City boundaries. The director of the Planning & Inspections Department shall send certified letters notifying the entities listed here of the change in City boundaries:
  - a. United States Bureau of the Census, Boundary and Annexation Survey
  - b. Texas Department of Transportation, Planning and Program Division
  - c. Texas Commission on Fire Protection
  - d. Texas Department of Insurance
  - e. El Paso County Tax Assessor
  - f. El Paso County Commission
  - g. El Paso Central Appraisal District
  - h. Any effected school district, as described in Section 43.905, Effect of

Annexation on Operation of School District, of the Local Government Code

- i. Any other effected public entity, as defined in Section 43.9051, Notification of Public Entities, of the Local Government Code.

AN ACT

relating to consent annexation requirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. REPEAL OF TIER SYSTEM

SECTION 1.01. The following provisions of Chapter 43, Local Government Code, are repealed:

- (1) Sections 43.001(2), (3), (4), and (5);
- (2) Section 43.011;
- (3) Subchapter B;
- (4) Section 43.0505(b);
- (5) Section 43.052;
- (6) Section 43.053;
- (7) Section 43.056(q);
- (8) Section 43.0561;
- (9) Section 43.0562;
- (10) Section 43.0563;
- (11) Section 43.0564;
- (12) Section 43.061(b);
- (13) Section 43.066;
- (14) Section 43.067;
- (15) Section 43.068;
- (16) Section 43.069;
- (17) Section 43.0751(o);
- (18) Section 43.0752;

- (19) Section 43.103;  
(20) Section 43.105; and  
(21) Subchapter Y.

SECTION 1.02. The heading to Subchapter C-2, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-2. GENERAL ANNEXATION AUTHORITY AND PROCEDURES  
REGARDING CONSENT ANNEXATIONS [~~• TIER 2 MUNICIPALITIES~~]

SECTION 1.03. The heading to Subchapter C-3, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-3. ANNEXATION OF AREA ON REQUEST OF OWNERS [~~• TIER 2 MUNICIPALITIES~~]

SECTION 1.04. The heading to Subchapter C-4, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-4. ANNEXATION OF AREAS WITH POPULATION OF LESS THAN  
200 BY PETITION [~~• TIER 2 MUNICIPALITIES~~]

SECTION 1.05. The heading to Subchapter C-5, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C-5. ANNEXATION OF AREAS WITH POPULATION OF AT LEAST 200  
BY ELECTION [~~• TIER 2 MUNICIPALITIES~~]

SECTION 1.06. Section 43.1025(c), Local Government Code, is amended to read as follows:

(c) The area described by Subsection (b) may be annexed under the requirements prescribed by Subchapter C-3, C-4, or C-5, as applicable [~~to a tier 2 municipality~~], but the annexation may not occur unless each municipality in whose extraterritorial jurisdiction the area may be located:

- (1) consents to the annexation; and

(2) reduces its extraterritorial jurisdiction over the area as provided by Section 42.023.

SECTION 1.07. Section 43.1211, Local Government Code, is amended to read as follows:

Sec. 43.1211. USE OF CONSENT PROCEDURES ~~[AUTHORITY OF CERTAIN TIER 2 MUNICIPALITIES]~~ TO ANNEX FOR LIMITED PURPOSES. Except as provided by Section 43.0751, beginning December 1, 2017, a ~~[tier 2]~~ municipality described by Section 43.121(a) may annex an area for the limited purposes of applying its planning, zoning, health, and safety ordinances in the area using the procedures under Subchapter C-3, C-4, or C-5, as applicable.

## ARTICLE 2. CONFORMING CHANGES

SECTION 2.01. The following provisions of the Special District Local Laws Code are repealed:

- (1) Section 8374.252(a);
- (2) Section 8375.252(a);
- (3) Section 8376.252(a);
- (4) Section 8377.252(a);
- (5) Section 8378.252(a);
- (6) Section 8382.252(a);
- (7) Section 8383.252(a);
- (8) Section 8384.252(a);
- (9) Section 8385.252(a); and
- (10) Section 8477.302(a).

SECTION 2.02. Section 43.0116(a), Local Government Code, is amended to read as follows:

- (a) Notwithstanding any other law and subject to Subsection



(b), a municipality may annex all or part of the area located in an industrial district designated by the governing body of the municipality under Section 42.044 under the procedures prescribed by Subchapter C-1 ~~[the requirements applicable to a tier 1 municipality]~~.

SECTION 2.03. The heading to Subchapter C, Chapter 43, Local Government Code, is amended to read as follows:

SUBCHAPTER C. LIMITATIONS AND REQUIREMENTS REGARDING ANNEXATIONS EXEMPTED FROM CONSENT ANNEXATION PROCEDURES ~~[PROCEDURE FOR AREAS ANNEXED UNDER MUNICIPAL ANNEXATION PLAN: TIER 1 MUNICIPALITIES]~~

SECTION 2.04. Section 43.0505(a), Local Government Code, is amended to read as follows:

(a) This ~~[Except as provided by Subsection (b), this]~~ subchapter applies only to an annexation under Subchapter C-1 ~~[a tier 1 municipality]~~.

SECTION 2.05. Sections 43.056(a), (b), (j), and (k), Local Government Code, are amended to read as follows:

(a) This section applies to a service plan under Section 43.065 ~~[Before the first day of the 10th month after the month in which the inventory is prepared as provided by Section 43.053, the municipality proposing the annexation shall complete a service plan that provides for the extension of full municipal services to the area to be annexed. The municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality]~~.

(b) The service plan, which must be completed ~~[in the period provided by Subsection (a)]~~ before the annexation, must include a

1 program under which the municipality will provide full municipal  
2 services in the annexed area no later than 2-1/2 years after the  
3 effective date of the annexation, in accordance with Subsection  
4 (e), unless certain services cannot reasonably be provided within  
5 that period and the municipality proposes a schedule for providing  
6 those services, and must include a list of all services required by  
7 this section to be provided under the plan. If the municipality  
8 proposes a schedule to extend the period for providing certain  
9 services, the schedule must provide for the provision of full  
10 municipal services no later than 4-1/2 years after the effective  
11 date of the annexation. However, under the program if the  
12 municipality provides any of the following services within the  
13 corporate boundaries of the municipality before annexation, the  
14 municipality must provide those services in the area proposed for  
15 annexation on the effective date of the annexation of the area:

- 16 (1) police protection;
- 17 (2) fire protection;
- 18 (3) emergency medical services;
- 19 (4) solid waste collection, except as provided by  
20 Subsection (o);
- 21 (5) operation and maintenance of water and wastewater  
22 facilities in the annexed area that are not within the service area  
23 of another water or wastewater utility;
- 24 (6) operation and maintenance of roads and streets,  
25 including road and street lighting;
- 26 (7) operation and maintenance of parks, playgrounds,  
27 and swimming pools; and



amended to read as follows:

(a) Unless otherwise specifically provided by this chapter or another law ~~[Except as provided by Subsection (b)]~~, this subchapter applies only to an annexation under:

- (1) Section 43.0115 (Enclave);
- (2) Section 43.0116 (Industrial District);
- (3) Section 43.012 (Area Owned by Type-A Municipality);
- (4) Section 43.013 (Navigable Stream);
- (5) Section 43.0751(h) (Strategic Partnership);
- (6) Section 43.101 (Municipally Owned Reservoir);
- (7) Section 43.102 (Municipally Owned Airport); and
- (8) Section 43.1055 (Road and Right-of-Way) ~~[area that is proposed for annexation by a tier 1 municipality and that is not required to be included in a municipal annexation plan under Section 43.052(h)]~~.

SECTION 2.08. Section 43.062(b), Local Government Code, is amended to read as follows:

(b) This subsection applies only to an area that contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract ~~[described by Section 43.052(h)(1)]~~. Before the 30th day before the date of the first hearing required under Section 43.063, a municipality shall give written notice of its intent to annex the area to:

- (1) each property owner in an area proposed for annexation, as indicated by the appraisal records furnished by the appraisal district for each county in which the area is located;

(2) each public entity[, ~~as defined by Section 43.053,~~] or private entity that provides services in the area proposed for annexation, including each:

(A) municipality, county, fire protection service provider, including a volunteer fire department, and emergency medical services provider, including a volunteer emergency medical services provider; and

(B) municipal utility district, water control and improvement district, or other district created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution;  
and

(3) 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.

SECTION 2.09. Section 43.0715(c), Local Government Code, is amended to read as follows:

(c) At the time notice of the municipality's intent to annex the land within the district is first given in accordance with Section [~~43.052,~~] 43.0683[~~,~~] or 43.0693, as applicable, the municipality shall proceed to initiate and complete a report for each developer conducted in accordance with the format approved by the Texas Commission on Environmental Quality for audits. In the event the municipality is unable to complete the report prior to the effective date of the annexation as a result of the developer's failure to provide information to the municipality which cannot be obtained from other sources, the municipality shall obtain from the district the estimated costs of each project previously undertaken

1 by a developer which are eligible for reimbursement. The amount of  
 2 such costs, as estimated by the district, shall be escrowed by the  
 3 municipality for the benefit of the persons entitled to receive  
 4 payment in an insured interest-bearing account with a financial  
 5 institution authorized to do business in the state. To compensate  
 6 the developer for the municipality's use of the infrastructure  
 7 facilities pending the determination of the reimbursement amount,  
 8 all interest accrued on the escrowed funds shall be paid to the  
 9 developer whether or not the annexation is valid. Upon placement  
 10 of the funds in the escrow account, the annexation may become  
 11 effective. In the event a municipality timely escrows all  
 12 estimated reimbursable amounts as required by this subsection and  
 13 all such amounts, determined to be owed, including interest, are  
 14 subsequently disbursed to the developer within five days of final  
 15 determination in immediately available funds as required by this  
 16 section, no penalties or interest shall accrue during the pendency  
 17 of the escrow. Either the municipality or developer may, by  
 18 written notice to the other party, require disputes regarding the  
 19 amount owed under this section to be subject to nonbinding  
 20 arbitration in accordance with the rules of the American  
 21 Arbitration Association.

22 SECTION 2.10. Sections [43.0751](#)(b) and (h), Local Government  
 23 Code, are amended to read as follows:

24 (b) The governing bodies of a municipality and a district  
 25 may negotiate and enter into a written strategic partnership  
 26 agreement for the district by mutual consent. ~~[The governing body~~  
 27 ~~of a municipality, on written request from a district included in~~

~~the municipality's annexation plan under Section 43.052, shall negotiate and enter into a written strategic partnership agreement with the district. A district included in a municipality's annexation plan under Section 43.052.~~

~~[(1) may not submit its written request before the date of the second hearing required under Section 43.0561, and~~

~~[(2) must submit its written request before the 61st day after the date of the second hearing required under Section 43.0561.]~~

(h) On the full-purpose annexation conversion date set forth in the strategic partnership agreement pursuant to Subsection (f)(5), the land included within the boundaries of the district shall be deemed to be within the full-purpose boundary limits of the municipality without the need for further action by the governing body of the municipality. The full-purpose annexation conversion date established by a strategic partnership agreement may be altered only by mutual agreement of the district and the municipality. However, nothing herein shall prevent the municipality from terminating the agreement and instituting proceedings to annex the district, on request by the governing body of the district, on any date prior to the full-purpose annexation conversion date established by the strategic partnership agreement under the procedures prescribed by Subchapter C-1 ~~[applicable to a tier 1 municipality]~~. Land annexed for limited or full purposes under this section shall not be included in calculations prescribed by Section 43.055(a).

SECTION 2.11. Section 43.07515(a), Local Government Code,

1 is amended to read as follows:

2 (a) A municipality may not regulate under Section 43.0751  
3 ~~[or 43.0752]~~ the sale, use, storage, or transportation of fireworks  
4 outside of the municipality's boundaries.

5 SECTION 2.12. Section 43.101(c), Local Government Code, is  
6 amended to read as follows:

7 (c) A municipality may annex the [The] area described by  
8 this section ~~[may be annexed]~~ without the consent of any owners or  
9 residents of the area under the procedures prescribed by Subchapter  
10 C-1 ~~[applicable to a tier 1 municipality by:]~~

11 ~~[(1) a tier 1 municipality, and~~  
12 ~~[(2)]~~ if there are no owners other than the  
13 municipality or residents of the area~~[, a tier 2 municipality]~~.

14 SECTION 2.13. Section 43.102(c), Local Government Code, is  
15 amended to read as follows:

16 (c) A municipality may annex the [The] area described by  
17 this section ~~[may be annexed]~~ without the consent of any owners or  
18 residents of the area under the procedures prescribed by Subchapter  
19 C-1 ~~[applicable to a tier 1 municipality by:]~~

20 ~~[(1) a tier 1 municipality, and~~  
21 ~~[(2)]~~ if there are no owners other than the  
22 municipality or residents of the area~~[, a tier 2 municipality]~~.

23 SECTION 2.14. Section 43.1055, Local Government Code, is  
24 amended to read as follows:

25 Sec. 43.1055. ANNEXATION OF ROADS AND RIGHTS-OF-WAY ~~[IN~~  
26 ~~CERTAIN LARGE COUNTIES]~~. Notwithstanding any other law, a ~~[tier 2]~~  
27 municipality may by ordinance annex a road or the right-of-way of a



1 road on request of the owner of the road or right-of-way or the  
2 governing body of the political subdivision that maintains the road  
3 or right-of-way under the procedures prescribed by Subchapter C-1  
4 ~~[applicable to a tier 1 municipality]~~.

5 SECTION 2.15. Section 43.141(a), Local Government Code, is  
6 amended to read as follows:

7 (a) A majority of the qualified voters of an annexed area  
8 may petition the governing body of the municipality to disannex the  
9 area if the municipality fails or refuses to provide services or to  
10 cause services to be provided to the area:

11 (1) if the area was annexed under Subchapter C-1  
12 ~~[municipality is a tier 1 municipality]~~, within the period  
13 specified by Section 43.056 or by the service plan prepared for the  
14 area under that section; or

15 (2) if the area was annexed under Subchapter C-3, C-4,  
16 or C-5 ~~[municipality is a tier 2 municipality]~~, within the period  
17 specified by the written agreement under Section 43.0672 or the  
18 resolution under Section 43.0682 or 43.0692, as applicable.

19 SECTION 2.16. Section 43.203(b), Local Government Code, is  
20 amended to read as follows:

21 (b) On receipt of the district's petition, the governing  
22 body of the municipality shall enter into negotiations with the  
23 district for an agreement to alter the status of annexation that  
24 must:

25 (1) specify the period, which may not be less than 10  
26 years beginning on January 1 of the year following the date of the  
27 agreement, in which limited-purpose annexation is in effect;

(2) provide that, at the expiration of the period, the district's annexation status will automatically revert to full-purpose annexation without following procedures provided by Section ~~[Sections]~~ 43.014 ~~[and 43.052 through 43.055]~~ or any ~~[other]~~ procedural requirement for annexation not in effect on January 1, 1995; and

(3) specify the financial obligations of the district during and after the period of limited-purpose annexation for:

(A) facilities constructed by the municipality that are in or that serve the district;

(B) debt incurred by the district for water and sewer infrastructure that will be assumed by the municipality at the end of the period of limited-purpose annexation; and

(C) use of the municipal sales taxes collected by the municipality for facilities or services in the district.

SECTION 2.17. Section 43.905(a), Local Government Code, is amended to read as follows:

(a) A municipality that proposes to annex an area shall provide written notice of the proposed annexation to each public school district located in the area proposed for annexation within the period prescribed for providing the notice of, as applicable:

(1) the hearing under Section 43.0673; or

(2) the first hearing under Section [43.0561,] 43.063, [43.0673,] 43.0683, or 43.0693[~~, as applicable~~].

SECTION 2.18. Sections 43.9051(a) and (b), Local Government Code, are amended to read as follows:

(a) In this section, "public entity" includes a county, fire

protection service provider, including a volunteer fire department, emergency medical services provider, including a volunteer emergency medical services provider, or special district described~~[, as that term is defined]~~ by Section 43.062(b)(2)(B) ~~[43.052]~~.

(b) A municipality that proposes to annex an area shall provide to each public entity that is located in or provides services to the area proposed for annexation written notice of the proposed annexation within the period prescribed for providing the notice of , as applicable:

- (1) the hearing under Section 43.0673; or
- (2) the first hearing under Section ~~[43.0561,]~~ 43.063, ~~[43.0673,]~~ 43.0683, or 43.0693~~[, as applicable, to each public entity that is located in or provides services to the area proposed for annexation].~~

### ARTICLE 3. HEARING REQUIREMENTS FOR CERTAIN CONSENT ANNEXATIONS

SECTION 3.01. Section 43.0673, Local Government Code, is amended to read as follows:

Sec. 43.0673. PUBLIC HEARING ~~[HEARINGS]~~. (a) Before a municipality may adopt an ordinance annexing an area under this subchapter ~~[section]~~, the governing body of the municipality must conduct one ~~[at least two]~~ public hearing ~~[hearings]~~.

~~[(b) The hearings must be conducted not less than 10 business days apart.]~~

(c) During the ~~[first]~~ public hearing, the governing body:

- (1) must provide persons interested in the annexation the opportunity to be heard; and

1           (2) ~~[. During the final public hearing, the governing~~  
2 ~~body]~~ may adopt an ordinance annexing the area.

3           (d) The municipality must post notice of the hearing  
4 ~~[hearings]~~ on the municipality's Internet website if the  
5 municipality has an Internet website and publish notice of the  
6 hearing ~~[hearings]~~ in a newspaper of general circulation in the  
7 municipality and in the area proposed for annexation. The notice  
8 for the ~~[each]~~ hearing must be:

9           (1) published at least once on or after the 20th day  
10 but before the 10th day before the date of the hearing; and

11           (2) ~~[. The notice for each hearing must be]~~ posted on  
12 the municipality's Internet website on or after the 20th day but  
13 before the 10th day before the date of the hearing and must remain  
14 posted until the date of the hearing.

15           ARTICLE 4. TRANSITION AND EFFECTIVE DATE

16           SECTION 4.01. (a) Except as provided by Subsections (b) and  
17 (c) of this section, the changes in law made by this Act apply only  
18 to an annexation of an area that is not final on the effective date  
19 of this Act. An annexation of an area that was final before the  
20 effective date of this Act is governed by those portions of Chapter  
21 [43](#), Local Government Code, that relate to post-annexation  
22 procedures and requirements in effect immediately before the  
23 effective date of this Act, and that law is continued in effect for  
24 that purpose.

25           (b) The changes in law made by this Act do not apply to the  
26 annexation of an area for which the governing body of a municipality  
27 has adopted a resolution to direct the municipality's city manager

1 to prepare a service plan for the area on or before the effective  
2 date of this Act. An annexation of an area for which the governing  
3 body adopted a resolution to direct the municipality's city manager  
4 to prepare a service plan for the area before the effective date of  
5 this Act is governed by Chapter 43, Local Government Code, as it  
6 existed on January 1, 2019.

7 (c) Until the fourth anniversary of the date that final  
8 judgment in an action described by this subsection is rendered, the  
9 changes in law made by this Act do not apply to an annexation of an  
10 area described by this subsection, and an annexation of an area  
11 described by this subsection is governed by Chapter 43, Local  
12 Government Code, as it existed on January 1, 2019. This subsection  
13 applies only to an area that is:

14 (1) wholly located in a county that:

15 (A) borders the Gulf of Mexico; and

16 (B) contains an international border; and

17 (2) proposed to be annexed by a municipality that is a  
18 named party in an action:

19 (A) involving issues of fact or law relating to  
20 the annexation; and

21 (B) commenced before January 1, 2019.

22 SECTION 4.02. This Act takes effect immediately if it  
23 receives a vote of two-thirds of all the members elected to each  
24 house, as provided by Section 39, Article III, Texas Constitution.  
25 If this Act does not receive the vote necessary for immediate  
26 effect, this Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 347 was passed by the House on April 9, 2019, by the following vote: Yeas 133, Nays 14, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 347 on May 13, 2019, by the following vote: Yeas 131, Nays 9, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 347 was passed by the Senate, with amendments, on May 8, 2019, by the following vote: Yeas 25, Nays 6.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor

AN ACT

relating to maps of the actual or proposed boundaries and extraterritorial jurisdiction of a municipality and certain notices related to expanding the boundaries.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

(2) if ~~[.——If]~~ the municipality has a municipal engineer, ~~[a copy of the map shall also be kept]~~ in the office of the engineer; and

(3) if the municipality maintains an Internet website, on the municipality's website.

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

(d) In addition to the requirements of this section, a home-rule municipality shall create, or contract for the creation of, and make publicly available a digital map that complies with

this section. A digital map required under this subsection must be made available without charge and in a format widely used by common geographic information system software. If the municipality maintains an Internet website, the municipality shall make the digital map available on the municipality's website.

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

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

(f-1) In addition to the notice provided under Subsection (f), a home-rule municipality, before the 90th day after the date the municipality adopts or amends an annexation plan under this section, shall 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. 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. The notice must 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;



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

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

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

21           SECTION 3. Section 43.0561, Local Government Code, is  
22 amended by amending Subsection (c) and adding Subsections (d), (e),  
23 and (f) to read as follows:

24           (c) The municipality must:  
25           (1) post notice of the hearings on the municipality's  
26 Internet website if the municipality has an Internet website; and  
27           (2) publish notice of the hearings in a newspaper of

1 general circulation:

2                   (A) in the municipality;

3                   (B) [~~and~~] in the area proposed for annexation;

4 and

5                   (C) if the municipality is a home-rule  
6 municipality, in any area that would be newly included in the  
7 municipality's extraterritorial jurisdiction by the expansion of  
8 the municipality's extraterritorial jurisdiction resulting from  
9 the proposed annexation.

10           (d) The notice for each hearing must be published at least  
11 once on or after the 20th day but before the 10th day before the date  
12 of the hearing. The notice for each hearing must be posted on the  
13 municipality's Internet website on or after the 20th day but before  
14 the 10th day before the date of the hearing and must remain posted  
15 until the date of the hearing.

16           (e) This subsection applies only to a home-rule  
17 municipality. If applicable, the notice for each hearing must  
18 include:

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

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

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

25                   (4) a brief description of each municipal ordinance  
26 that would be applicable, as authorized by Section 212.003, in the  
27 area that would be newly included in the municipality's

1 extraterritorial jurisdiction.

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

5 (1) each public entity, as defined by Section 43.053,  
6 and utility service provider that provides services in the area  
7 proposed for annexation; and

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

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

14 (c) The municipality must:

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

17 (2) publish notice of the hearings in a newspaper of  
18 general circulation;

19 (A) in the municipality;

20 (B) ~~and~~ in the area proposed for annexation;  
21 and

22 (C) if the municipality is a home-rule  
23 municipality, in any area that would be newly included in the  
24 municipality's extraterritorial jurisdiction by the expansion of  
25 the municipality's extraterritorial jurisdiction resulting from  
26 the proposed annexation.

27 (d) The notice for each hearing must be published at least

once on or after the 20th day but before the 10th day before the date of the hearing. The notice for each hearing must be posted on the municipality's Internet website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing.

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

(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 brief description of each municipal ordinance 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) In addition to the notice required by Subsection (c), the [The] municipality must give [additional] 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.

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

Sec. 43.0635. MAP REQUIREMENT FOR PROPOSED ANNEXATION. In addition to the notice requirements under Section 43.063, a

home-rule municipality, before the municipality may institute annexation proceedings, shall create, or contract for the creation of, 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. A digital map required under this section must be made available without charge and in a format widely used by common geographic information system software or in any other widely used electronic format if the municipality does not have common geographic information system software. If the municipality maintains an Internet website, the municipality shall make the digital map available on the municipality's website.

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

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

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

(c) The changes in law made by Sections 43.0561 and 43.063, Local Government Code, as amended by this Act, apply only to a

1 hearing notice published on or after September 1, 2019. A hearing  
2 notice published before September 1, 2019, is governed by the law in  
3 effect when the hearing notice was published, and the former law is  
4 continued in effect for that purpose.

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

10 SECTION 8. This Act takes effect September 1, 2019.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1303 passed the Senate on April 11, 2019, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1303 passed the House on May 22, 2019, by the following vote: Yeas 139, Nays 6, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor