

BILL ANALYSIS

H.B. 88
By: Mowery
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law is unclear about whether a mainland municipality may annex across a bay or other area of water an area on a barrier island, especially in situations where another municipality already exists on the island. In such a situation, the municipality located on the island is the logical entity to provide essential municipal services to areas located entirely on the barrier island. The rationale for this is that small mainland cities will have difficulty providing essential municipal services on a barrier island, in part because of the limited access to those islands from the mainland. Additionally, small mainland cities are less likely to have experience drafting and enforcing dune protection ordinances or other development regulations necessary to safely develop in the unique environmental conditions presented on a barrier island. Similarly, a small mainland city is also less likely to have planning staff or code enforcement officers experienced in regulating development in such environmentally sensitive areas.

The purpose of H.B. 88 is to limit the annexation powers of small municipalities on the Texas coast, preventing them from annexing open coastal waters or land on barrier islands. This limitation on annexation authority only applies if there is another pre-existing city on the barrier island.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

ANALYSIS

SECTION 1. *Amends Subchapter Z, Chapter 43, Local Government Code, by adding Section 43.904, as follows:*

Defines "barrier island" as an island bordering on the Gulf of Mexico.

Makes the section applicable only to a home-rule municipality with a population of less than 50,000 and is not predominantly located on a barrier island.

Prohibits a home-rule municipality from extending its limits to or have its ETJ on a barrier island on which a municipality incorporated before the effective date of the Act exists **or** from annexing land on the island.

Prevents the creation of an enforceable right to prevent the reformation of a boundary just because an agreement that pledges certain taxes or other revenue is created.

Voids the boundary of a home-rule municipality if it conflicts with this section, and reformats the boundary as of the effective date of this Act.

SECTION 2. Effective Date.

EFFECTIVE DATE

November 1, 2005.