

## **BILL ANALYSIS**

C.S.H.B. 1949  
By: Springer  
Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that statutory provisions relating to the annexation of paved county roads by municipalities under certain circumstances are not sufficiently clear. A considerable number of county roads, including some adjacent to large municipalities, are unpaved dirt or gravel roads. The result is a source of conflict over the responsibility for road and street maintenance. C.S.H.B. 1949 seeks to provide the clarification needed to ensure that municipalities engaging in the annexation of county roads or certain territory assume the appropriate responsibility.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

C.S.H.B. 1949 amends the Local Government Code to remove from the requirement that a municipality proposing to annex any portion of a county road also annex the entire width of the county road and the adjacent right-of-way the specification that the county road be paved. The bill subjects a municipality that proposes to annex territory that abuts a county road to that requirement and specifies that the adjacent right-of-way on both sides of the county road be annexed. The bill establishes that, if a road so annexed is a gravel road, the county retains control of granting access to the road and its right-of-way from property that is not located in the boundaries of the annexing municipality and is adjacent to the road and right-of-way. The bill applies to an area proposed for annexation on or after the bill's effective date or before that date if certain statutory annexation requirements have not been completed before that date.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1949 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

84R 26487

15.118.917

Substitute Document Number: 84R 24157

SECTION 1. Section 43.106, Local Government Code, is amended to read as follows:

Sec. 43.106. ANNEXATION OF COUNTY ROADS REQUIRED IN CERTAIN CIRCUMSTANCES. A municipality that proposes to annex any portion of a ~~paved~~ county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road.

SECTION 2. Section 43.106, Local Government Code, as amended by this Act, applies to an area proposed for annexation on or after the effective date of this Act or before the effective date of this Act if the statutory requirements for annexation under Subchapter C or C-1, Chapter 43, Local Government Code, have not been completed before the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 1. Section 43.106, Local Government Code, is amended to read as follows:

Sec. 43.106. ANNEXATION OF COUNTY ROADS REQUIRED IN CERTAIN CIRCUMSTANCES. (a) A municipality that proposes to annex any portion of a ~~paved~~ county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road.

(b) If a road annexed under Subsection (a) is a gravel road, the county retains control of granting access to the road and its right-of-way from property that:

(1) is not located in the boundaries of the annexing municipality; and

(2) is adjacent to the road and right-of-way.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.