

BILL ANALYSIS

C.S.H.B. 545
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Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Throughout Texas, there are state highways that run through municipalities and their extraterritorial jurisdictions. For drivers utilizing these highways, the experience is seamless, but for law enforcement and other emergency services it can be difficult to know whether to dispatch state or local officials to the scene of an accident or a crime that occurs along these particular roadways. A solution to this is to have a municipality annex the roadway so that it is under municipal jurisdiction. However, during the past two sessions, the legislature passed laws revising the municipal annexation process, and as a result the Texas Department of Transportation lost the ability to consent to the annexation by a municipality of a portion of the state highway system or a right-of-way, consent a municipality needs for such an annexation. C.S.H.B. 545 seeks to address this issue by revising a municipality's authority to annex a right-of-way in order and providing for certain related procedures.

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. 545 amends the Local Government Code to authorize a municipality to annex a road right-of-way by ordinance provided that the right-of-way satisfies the following conditions:

- the right-of-way is contiguous to the municipality's boundary or to an area being simultaneously annexed by the municipality;
- either the right-of-way is parallel to the boundary of the municipality or to an area being simultaneously annexed by the municipality or the right-of-way connects the boundary of the municipality to an area being simultaneously annexed by the municipality or to another point on the boundary of the municipality; and
- the right-of-way does not result in the municipality's boundaries surrounding any area that was not already in the municipality's extraterritorial jurisdiction immediately before the annexation of the right-of-way.

This annexation authority is in addition to a municipality's authority to annex a road right-of-way on request of the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way.

C.S.H.B. 545 requires the following to be satisfied in order for a municipality to annex a right-of-way:

- the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way requests the annexation of the right-of-way in writing; or
- both of the following conditions are satisfied:
 - the municipality provides written notice of the annexation to the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way not later than the 61st day before the date of the proposed annexation; and
 - the owner or the governing body does not submit a written objection to the municipality before the date of the proposed annexation.

The bill authorizes a governmental body that owns or maintains a right-of-way proposed to be annexed to specify, by notifying the municipality in writing, the location at which the municipality must deliver the written notice of the annexation.

C.S.H.B. 545 exempts the municipal annexation of a right-of-way from a statutory width requirement.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 545 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a requirement from the original for a municipality to receive the consent of the Texas Department of Transportation for the annexation of a portion of the state highway system or the right-of-way of such a portion.

The substitute includes provisions not included in the original that do the following:

- authorize a municipality to annex a road right-of-way that satisfies certain geographical and route conditions;
- require either the request of the applicable owner or governing body or the fulfilment of certain notice procedures in order for a municipality to annex a right-of-way; and
- exempt the municipal annexation of a right-of-way from a statutory width requirement.

The substitute includes language not included in the original clarifying the authority of a municipality with respect to annexation of road rights-of-way by ordinance on request of the road's owner or the governing body of the political subdivision that maintains the road.