

BILL ANALYSIS

S.B. 374
By: Seliger
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Last session the 86th Legislature eliminated unilateral annexation by any municipality. State law still allows for annexation at a property owner's request. This voluntary annexation is commonly driven by a property owner's desire for municipal water, sewer, or other services. In other words, voluntary annexation is frequently an economic development, safety, or development issue. The property to be annexed must be in a municipality's extraterritorial jurisdiction and generally must touch the existing municipal limits.

However, it is a common occurrence that property a person wants to be annexed is across a road or railway easement or not too far from the existing municipal limits. In 2015, legislation amended the then-existing provision allowing for a property owner to request annexation into a municipality. That legislation applied when a property owner in a municipality's extraterritorial jurisdiction wanted to be annexed but the property didn't touch the municipal limits. The legislation allowed a municipality to annex the property at the owner's request and the road leading to the property to create contiguity. Unfortunately, certain provisions of that legislation were unintentionally repealed by last session's annexation reform.

S.B. 374 sets out provisions relating to municipal annexation of certain rights-of-way and seeks to reinstate the authority for a municipality to bring in the road or railway easement making property to be annexed at the request of a landowner contiguous and to empower a landowner to seek annexation by a municipality on the landowner's own terms.

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

S.B. 374 amends the Local Government Code to authorize a municipality that is annexing an area under specified annexation provisions to also annex with the area the following contiguous or connecting rights-of-way:

- the right-of-way of a street, highway, alley, or other public way or of a railway line, spur, or roadbed, that is:
 - contiguous and runs parallel to the municipality's boundaries; and
 - contiguous to the area being annexed or a right-of-way of a public road or highway connecting such an area to the municipality by the most direct route; or
- the right-of-way of such a connecting public road or highway.

S.B. 374 authorizes a municipality to annex a right-of-way under the bill's provisions only under the following conditions:

- the municipality provides written notice of the annexation to the right-of-way's owner, through the owner's registered agent, if applicable, not later than the 61st day before the date of the proposed annexation; and
- the owner does not submit a written objection to the municipality before the date of the proposed annexation.

The bill authorizes a governmental entity that owns a right-of-way proposed to be annexed to specify the location at which the municipality must deliver the notice. The bill exempts the annexation of a right-of-way under the bill's provisions from a statutory annexation width requirement.

S.B. 374 clarifies 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.

EFFECTIVE DATE

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