

BILL ANALYSIS

Senate Research Center
88R2453 SCL-D

H.B. 586
By: Thompson, Ed (Bettencourt)
Local Government
5/1/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 586 amends current law relating to municipal annexation of certain rights-of-way.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 43.1055, Local Government Code, as follows:

Sec. 43.1055. New heading: ANNEXATION OF ROAD RIGHTS-OF-WAY ON REQUEST OR WITHOUT OBJECTION OF OWNER OR MAINTAINING POLITICAL SUBDIVISION. (a) Creates this subsection from existing text. Authorizes a municipality, notwithstanding any other law, to annex by ordinance under the procedures prescribed by Subchapter C-1 (Annexation Procedure for Areas Exempted from Consent Annexation Procedures):

(1) creates this subdivision from existing text and makes a nonsubstantive change; or

(2) a road right-of-way described by Subsection (b).

Makes nonsubstantive changes.

(b) Authorizes a municipality to annex a road right-of-way provided that the right-of-way:

(1) is contiguous to the municipality's boundary or to an area being simultaneously annexed by the municipality;

(2) either:

(A) is parallel to the boundary of the municipality or to an area being simultaneously annexed by the municipality; or

(B) 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

(3) 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.

(c) Authorizes a municipality to annex a right-of-way under this section only if:

(1) 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

(2) both:

(A) 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

(B) the owner of the right-of-way or the governing body of the political subdivision that maintains the right-of-way does not submit a written objection to the municipality before the date of the proposed annexation.

(d) Authorizes a governmental body to specify, by notifying the municipality in writing, the location at which a municipality is required to deliver notice under Subsection (c), if a right-of-way proposed to be annexed under this section is owned or maintained by a governmental body.

(e) Provides that Section 43.054 (Width Requirements) does not apply to the annexation of a right-of-way under this section.

(f) Provides that the annexation of a road right-of-way described by Subsection (b)(2)(B) does not expand the annexing municipality's extraterritorial jurisdiction, notwithstanding Section 42.021 (Extent of Extraterritorial Jurisdiction).

SECTION 2. Effective date: upon passage or September 1, 2023.