

BILL ANALYSIS

H.B. 586
By: Thompson, Ed
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Iowa Colony, there are reports of confusion amongst emergency responders on whether local or state officials should be dispatched in the event of an accident or crime along state highway 288. This results in delayed response times and threatens public safety in the area. The confusion is due to the fact that state highway 288 weaves in and out of parts of the city and its extraterritorial jurisdiction (ETJ). When jurisdiction changes multiple times as the highway passes through the region, time is wasted determining which agency to contact for response to an emergency situation. Under current annexation law, a municipality must receive the consent of a landowner before annexation of their land may occur. Even though highways and rights-of-way are technically owned by the state, the Texas Department of Transportation does not have the authority to act as the landowner for annexation purposes, meaning cities have no landowner from which to seek consent for annexation. H.B. 586 seeks to address this issue by allowing cities limited authority to annex land along portions of highways and rights-of-way that fall within their city limits or ETJ.

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

H.B. 586 amends the Local Government Code to authorize a municipality to annex a road right-of-way by ordinance, under annexation procedures for areas exempted from consent annexation procedures, 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;
- the right-of-way either:
 - is parallel to the boundary of the municipality or to an area being simultaneously annexed by the municipality; or
 - 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, with the bill specifying that in this case the annexation of a road right-of-way does not expand the annexing municipality's extraterritorial jurisdiction; 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, under those same procedures, 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.

H.B. 586 requires the following to be satisfied in order for a municipality to annex a right-of-way under applicable road rights-of-way annexation provisions as amended by the bill:

- 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.

H.B. 586 exempts the municipal annexation of a right-of-way under statutory provisions as amended by the bill from a statutory minimum annexation width requirement.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.