

BILL ANALYSIS

Senate Research Center

S.B. 374
By: Seliger
Transportation
5/28/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 347 of the 86th Legislature helped to restore some landowner rights by eliminating unilateral annexation by any home rule city in Texas. However, the new statute has also resulted in obstructing annexations that are agreed to by all parties. Included in the new statute was the repealing of cities' ability to include a state road right-of-way in an annexation. The end result is that the Texas Department of Transportation does not have the legal authority to consent to annexations that include a state road right-of-way, leaving many annexation plans across the state unable to be completed.

S.B. 374 restores cities' ability to complete their annexation process by allowing a state road right-of-way to be included in their annexation authority.

(Original Author's / Sponsor's Statement of Intent)

S.B. 374 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 OF OWNER OR MAINTAINING POLITICAL SUBDIVISION. Makes conforming changes to this section.

SECTION 2. Amends Subchapter E, Chapter 43, Local Government Code, by adding Section 43.1056, as follows:

Sec. 43.1056. ANNEXATION OF CONTIGUOUS OR CONNECTING RIGHTS-OF-WAY. (a) Authorizes a municipality that is annexing an area under Subchapter C-3 (Annexation of Area on Request of Owners), C-4 (Annexation of Areas With Population of Less Than 200 by Petition), C-5 (Annexation of Areas With Population of at Least 200 by Election), or D (Annexation Provisions Relating to Special Districts), notwithstanding any other law, to also annex with the area the right-of-way of a street, highway, alley, or other public way or of a railway line, spur, or roadbed, that is:

- (1) contiguous and runs parallel to the municipality's boundaries; and
- (2) contiguous to the area being annexed under Subchapter C-3, C-4, C-5, or D.

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

(1) the municipality provides written notice of the annexation to the owner of the right-of-way, through the owner's registered agent, if applicable, not later than the 61st day before the date of the proposed annexation; and

(2) the owner of the right-of-way does not submit a written objection to the municipality before the date of the proposed annexation.

(c) Authorizes a governmental entity, if the owner of a right-of-way proposed to be annexed under this section is a governmental entity, to specify the location at which a municipality is required to deliver notice under Subsection (b).

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

SECTION 3. Effective date: upon passage or September 1, 2021.