

BILL ANALYSIS

Senate Research Center
77R6851 PAM-D

H.B. 958
By: Burnam (Moncrief)
Intergovernmental Relations
4/26/2001
Engrossed

DIGEST AND PURPOSE

Currently, municipalities are not required to annex a county road when they annex an area of land adjacent to the road. Sometimes municipalities annex only to the center of the road, which can result in confusion and conflict of jurisdiction and responsibility for these roads. H.B. 958 requires a municipality to annex the entire width of a paved county road and the adjacent right-of-way when it annexes any portion of the road.

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 Chapter 43E, Local Government Code, by adding Section 43.106, as follows:

Sec. 43.106. ANNEXATION OF COUNTY ROADS REQUIRED IN CERTAIN CIRCUMSTANCES. Requires a municipality that proposes to annex any portion of a paved country road to also annex the entire width of the county road and the adjacent right-of-way.

SECTION 2. Effective date: September 1, 2001.

SECTION 3. (a) Provides that this section applies only to a proposed annexation that is subject to Section 43.052, Local Government Code, as that law exists on or after September 1, 1999.

(b) Provides that the change in law made by this Act by the addition of Section 43.106, Local Government Code, applies to the annexation of an area included in a municipality's annexation plan under Section 43.052, Local Government Code, regardless of the date on which the area was included in the plan.

(c) Requires a municipality, if before September 1, 2001, it included any portion of a paved county road in its plan without including the entire width of the county road and the adjacent right-of-way, to amend its plan on or before December 1, 2001, as provided by Section 43.052, Local Government Code, to include that additional area in the plan.

(d) Requires a municipality that amends its plan as provided by Subsection (c) of this section to complete the annexation of the portion of a paved county road that was already included in its annexation plan together with the additional area included in the amendment to the plan within the 31-day period after the third anniversary of the date the plan was amended under Subsection (c) of this section.

(e) Provides that for purposes of completing the annexation of the portion of a paved county road that was already included in the municipality's annexation plan as described by Subsection (c) of this section, Section 43.052(g), Local Government Code, is superseded by Subsection

(d) of this section.

SECTION 4. (a) Provides that this section applies only to a proposed annexation that is subject to Section 43.063, Local Government Code.

(b) Provides that the change in law made by this Act by the addition of Section 43.106, Local Government Code, applies only to an annexation for which the first hearing notice required by Section 43.063, Local Government Code, is published on or after September 1, 2001.

SECTION 5. (a) Provides that this section applies only to a proposed annexation that is subject to Section 43.052, Local Government Code, as that law existed immediately before September 1, 1999.

(b) Provides that the change in law made by this Act by the addition of Section 43.106, Local Government Code, applies to the annexation of an area that is not included in an annexation plan during the period beginning December 31, 1999, and ending December 31, 2002, only if the first hearing notice required by Section 43.052, Local Government Code, as it existed immediately before September 1, 1999, is published on or after September 1, 2001.