

**SUBJECT:** Allowing municipal annexation of certain rights-of-way

**COMMITTEE:** Land and Resource Management — committee substitute recommended

**VOTE:** 8 ayes — Deshotel, Leman, Biedermann, Craddick, Romero, Rosenthal, Spiller, Thierry

0 nays

1 absent — Burrows

**WITNESSES:** For — (*Registered, but did not testify*: Tammy Embrey, City of Corpus Christi; Guadalupe Cuellar, City of El Paso; Angela Hale, City of McKinney; Bill Kelly, Mayor's Office, City of Houston; Mackenna Wehmeyer, TAG Houston; Bill Longley, Texas Municipal League)

Against — None

On — Aaron Bell and Michael Byrum-Bratsen, City of Iowa Colony

**BACKGROUND:** It has been suggested that allowing municipalities to annex rights-of-way for parts of state highways that run through the municipalities and their extraterritorial jurisdictions would provide clarity on the respective jurisdictions of state and local officials with regard to calls for law enforcement and other emergency services in certain areas.

**DIGEST:** CSHB 545 would allow a municipality by ordinance to annex a road right-of-way if the right-of-way was contiguous to the municipality's boundary or to an area being simultaneously annexed and either:

- was parallel to the municipality's boundary or to an area being simultaneously annexed; or
- connected the boundary of the municipality to an area being simultaneously annexed or to another point on the boundary.

Annexations under the bill's provisions would not be allowed if they

resulted 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.

A municipality could annex a right-of-way under the bill only if:

- the owner of the right-of-way or the governing body of the political subdivision that maintained it requested the annexation; or
- the municipality provided written notice of annexation to the owner or governing body no later than 61 days before the proposed annexation and the owner or governing body did not submit a written objection before the date of the annexation.

Annexations under the bill would be exempt from certain statutory width requirements.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.