

BILL ANALYSIS

Senate Research Center
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S.B. 854
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, small mainland cities have difficulty providing essential municipal services on a barrier island, in part because of the limited access to those islands from the mainland.

Additionally, small mainland cities are less likely to have experience drafting and enforcing dune protection ordinances or other development regulations necessary to safely develop the unique environmental conditions presented on a barrier island. Similarly, a small mainland city is also less likely to have planning staff or code enforcement officers experienced in regulating development in such environmentally sensitive areas.

It has been the law in Texas for several decades that the sand dunes on barrier islands are a unique and important natural feature. An entire chapter of the Texas Natural Resources Code sets out state policy seeking to protect the dunes on the Texas coast and barrier islands.

As proposed, S.B. 854 limits the annexation powers of small cities on the Texas coast, preventing them from annexing open coastal waters or land on barrier islands. This limitation on annexation authority only applies if there is another preexisting city on the barrier island.

The bill also provides that any city that has recently annexed land in the coastal waters or on a barrier island on which another city is already located will have to reform its boundaries to exclude the area annexed in the coastal waters or on the barrier island. In situations where another municipality already exists on the barrier island, that city is the logical entity to provide essential municipal services to areas located entirely on the barrier island.

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 Subchapter Z, Chapter 43, Local Government Code, by adding Section 43.904, as follows:

Sec. 43.904. JURISDICTION OF CERTAIN HOME-RULE MUNICIPALITIES OVER BARRIER ISLANDS. (a) Defines "barrier island."

(b) Provides that this section only applies to a home-rule municipality that has a population of less than 50,000 and is not predominately located on a barrier island.

(c) Prohibits the home-rule municipality from taking certain actions regarding its boundaries.

(d) Provides that an agreement by which a home-rule municipality pledges, directly or indirectly, taxes or other revenue from or attributable to territory located on a barrier island does not create an enforceable right to prevent the reformation of the municipality's boundary under Subsection (e).

(e) Provides that the boundary of a home-rule municipality is void to the extent that it violates Subsection (c), and the boundary is reformed on September 1, 2005, to exclude the territory on the barrier island.

SECTION 2. Effective date: September 1, 2005.