

1-1 By: Thompson of Brazoria H.B. No. 586  
 1-2 (Senate Sponsor - Bettencourt)  
 1-3 (In the Senate - Received from the House April 24, 2023;  
 1-4 April 24, 2023, read first time and referred to Committee on Local  
 1-5 Government; May 2, 2023, reported favorably by the following vote:  
 1-6 Yeas 9, Nays 0; May 2, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to municipal annexation of certain rights-of-way.  
 1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-22 SECTION 1. Section 43.1055, Local Government Code, is  
 1-23 amended to read as follows:  
 1-24 Sec. 43.1055. ANNEXATION OF ROAD RIGHTS-OF-WAY ON REQUEST  
 1-25 OR WITHOUT OBJECTION OF OWNER OR MAINTAINING POLITICAL SUBDIVISION.  
 1-26 (a) Notwithstanding any other law, a municipality may by ordinance  
 1-27 annex under the procedures prescribed by Subchapter C-1:  
 1-28 (1) a road right-of-way on request of the owner of the  
 1-29 right-of-way or the governing body of the political subdivision  
 1-30 that maintains the right-of-way; or  
 1-31 (2) a road right-of-way described by Subsection (b)  
 1-32 [under the procedures prescribed by Subchapter C-1].  
 1-33 (b) A municipality may annex a road right-of-way provided  
 1-34 that the right-of-way:  
 1-35 (1) is contiguous to the municipality's boundary or to  
 1-36 an area being simultaneously annexed by the municipality;  
 1-37 (2) either:  
 1-38 (A) is parallel to the boundary of the  
 1-39 municipality or to an area being simultaneously annexed by the  
 1-40 municipality; or  
 1-41 (B) connects the boundary of the municipality to  
 1-42 an area being simultaneously annexed by the municipality or to  
 1-43 another point on the boundary of the municipality; and  
 1-44 (3) does not result in the municipality's boundaries  
 1-45 surrounding any area that was not already in the municipality's  
 1-46 extraterritorial jurisdiction immediately before the annexation of  
 1-47 the right-of-way.  
 1-48 (c) A municipality may annex a right-of-way under this  
 1-49 section only if:  
 1-50 (1) the owner of the right-of-way or the governing  
 1-51 body of the political subdivision that maintains the right-of-way  
 1-52 requests the annexation of the right-of-way in writing; or  
 1-53 (2) both:  
 1-54 (A) the municipality provides written notice of  
 1-55 the annexation to the owner of the right-of-way or the governing  
 1-56 body of the political subdivision that maintains the right-of-way  
 1-57 not later than the 61st day before the date of the proposed  
 1-58 annexation; and  
 1-59 (B) the owner of the right-of-way or the  
 1-60 governing body of the political subdivision that maintains the  
 1-61 right-of-way does not submit a written objection to the

2-1 municipality before the date of the proposed annexation.

2-2 (d) If a right-of-way proposed to be annexed under this  
2-3 section is owned or maintained by a governmental body, then that  
2-4 governmental body may specify, by notifying the municipality in  
2-5 writing, the location at which a municipality must deliver notice  
2-6 under Subsection (c).

2-7 (e) Section 43.054 does not apply to the annexation of a  
2-8 right-of-way under this section.

2-9 (f) Notwithstanding Section 42.021, the annexation of a  
2-10 road right-of-way described by Subsection (b)(2)(B) does not expand  
2-11 the annexing municipality's extraterritorial jurisdiction.

2-12 SECTION 2. This Act takes effect immediately if it receives  
2-13 a vote of two-thirds of all the members elected to each house, as  
2-14 provided by Section 39, Article III, Texas Constitution. If this  
2-15 Act does not receive the vote necessary for immediate effect, this  
2-16 Act takes effect September 1, 2023.

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