

By: Bettencourt

S.B. No. 1992

A BILL TO BE ENTITLED

AN ACT

relating to release of an area from a municipality's extraterritorial jurisdiction by petition or election.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 42, Local Government Code, is amended by adding Subchapters D and E to read as follows:

SUBCHAPTER D. RELEASE OF AREA WITH POPULATION OF LESS THAN 200 FROM EXTRATERRITORIAL JURISDICTION BY PETITION

Sec. 42.101. AUTHORITY TO FILE PETITION FOR RELEASE. A resident of an area with a population of less than 200 and in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction if the area has been in the extraterritorial jurisdiction for at least one year.

Sec. 42.102. APPLICABILITY OF OTHER LAW. Chapter 277, Election Code, applies to a petition requesting removal under this subchapter.

Sec. 42.103. PETITION REQUIREMENTS. (a) A petition requesting release under this subchapter must be signed by more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election date.

(b) A person filing a petition under this subchapter must satisfy the signature requirement described by Subsection (a) not

1 later than the 180th day after the date the first signature for the  
2 petition is obtained.

3 (c) A signature collected under this section must be in  
4 writing.

5 (d) The petition must include a map of and describe the area  
6 to be released.

7 Sec. 42.104. RESULTS OF PETITION. (a) When the petition  
8 period prescribed by Section 42.103 ends, a petition requesting  
9 removal under this subchapter shall be verified by the municipal  
10 secretary or other person responsible for verifying signatures.  
11 The municipality must notify the residents and landowners of the  
12 area described by the petition of the results of the petition.

13 (b) If a resident does not obtain the number of signatures  
14 on the petition required to release the area from the  
15 municipality's extraterritorial jurisdiction, a resident may not  
16 file another petition under Section 42.101 to release the same or  
17 substantially same area from the municipality's extraterritorial  
18 jurisdiction until the first anniversary of the date the petition  
19 period ended.

20 (c) If a resident obtains the number of signatures on the  
21 petition required under Section 42.103 to release the area from the  
22 municipality's extraterritorial jurisdiction, the municipality  
23 shall immediately release the area from its extraterritorial  
24 jurisdiction.

25 SUBCHAPTER E. RELEASE OF AREA WITH POPULATION OF 200 OR MORE FROM  
26 EXTRATERRITORIAL JURISDICTION BY ELECTION

27 Sec. 42.151. AUTHORITY TO REQUEST ELECTION FOR RELEASE.

1 (a) A resident of an area with a population of 200 or more and that  
2 has been in a municipality's extraterritorial jurisdiction for at  
3 least one year may request the municipality to hold an election in  
4 accordance with this subchapter to vote on the question of whether  
5 to release the area from the municipality's extraterritorial  
6 jurisdiction by filing with the municipality a petition that  
7 includes the signatures of at least five percent of the registered  
8 voters residing in the area as of the date of the preceding uniform  
9 election date.

10 (b) A resident may not request another election on the  
11 question of releasing the same or substantially same area from the  
12 municipality's extraterritorial jurisdiction before the first  
13 anniversary of the date the municipality receives a petition filed  
14 under Subsection (a).

15 (c) The petition must include a map of and describe the area  
16 to be released.

17 Sec. 42.152. ELECTION. (a) A municipality shall order an  
18 election on the question of whether to release an area from the  
19 municipality's extraterritorial jurisdiction to be held on the  
20 first uniform election date that falls on or after the 90th day  
21 after the date the municipality receives a petition that complies  
22 with Section 42.151.

23 (b) The municipality shall hold the election ordered under  
24 this section in the area described by the petition.

25 (c) An election ordered under this section must be held in  
26 the same manner as general elections of the municipality. The  
27 municipality shall pay for the costs of holding the election.

1       Sec. 42.153. RESULTS OF ELECTION. (a) Following an  
2 election held under this subchapter, the municipality shall notify  
3 the residents of the area proposed to be released from the  
4 municipality's extraterritorial jurisdiction of the results of the  
5 election.

6       (b) If at the election held under this subchapter a majority  
7 of voters approve the proposed release, the municipality shall  
8 immediately release the area for which the election was held from  
9 the municipality's extraterritorial jurisdiction.

10       SECTION 2. This Act takes effect September 1, 2021.