

By: Toth

H.B. No. 3454

A BILL TO BE ENTITLED

AN ACT

relating to the release of extraterritorial jurisdiction by a municipality involving certain areas.

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

SECTION 1. Subchapter B, Chapter 42, Local Government Code, is amended by adding Section 42.0252 to read as follows:

Sec. 42.0252. RELEASE OF EXTRATERRITORIAL JURISDICTION: CERTAIN AREAS. (a) This section applies only in the extraterritorial jurisdiction of a municipality to:

(1) an area that is subject to a legal determination that the municipality failed to provide or agree to provide adequate services to the area; or

(2) an area that is:

(A) adjacent to an area described by Subdivision (1);

(B) part of a real estate subdivision that contains all or part of an area described by Subdivision (1); and

(C) under the jurisdiction of a single property owners' association that governs the entire real estate subdivision.

(b) A majority of the registered voters in an area described by Subsection (a)(1) or in a portion of the area may petition the municipality to release the area from the municipality's extraterritorial jurisdiction.

1       (c) A majority of the registered voters in an area described  
2 by Subsection (a)(2) may petition the municipality to release the  
3 area from the municipality's extraterritorial jurisdiction if a  
4 petition has been filed under Subsection (b) for another area  
5 located in the same real estate subdivision.

6       (d) A petition described by this section must be filed with  
7 the secretary or clerk of the municipality.

8       (e) Not later than the 10th day after the date the secretary  
9 or clerk receives a petition under this section, the secretary or  
10 clerk shall determine whether the petition is valid. If the  
11 petition is determined valid, the governing body of the  
12 municipality shall immediately enter in the minutes or records of  
13 the municipality an order releasing the area from the  
14 municipality's extraterritorial jurisdiction.

15       SECTION 2. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2019.