

BILL ANALYSIS

Senate Research Center
87R3578 SCL-D

S.B. 1992
By: Bettencourt
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The bill addresses issues of concern to municipal utility districts (MUDs), homeowners' associations (HOAs), property owners, and other entities subject to the regulatory authority of municipalities in their extraterritorial jurisdiction (ETJ). Residents of a municipality's ETJ that have not been annexed within a reasonable period of time would welcome the opportunity to petition the municipality for removal from the municipality's ETJ.

S.B. 1992 allows residents and property owners in an ETJ to use petition and election procedures to remove themselves from the ETJ after one year if they have not been annexed. The procedures are similar to those currently prescribed for municipal annexations under the 2017 and 2019 legislation.

As proposed, S.B. 1992 amends current law relating to release of an area from a municipality's extraterritorial jurisdiction by petition or election.

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 Chapter 42, Local Government Code, by adding Subchapters D and E, 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.** Authorizes a resident of an area with a population of less than 200 and in a municipality's extraterritorial jurisdiction to 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.** Provides that Chapter 277 (Petition Prescribed by Law Outside Code), Election Code, applies to a petition requesting removal under this subchapter.

Sec. 42.103. **PETITION REQUIREMENTS.** (a) Requires that a petition requesting release under this subchapter 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) Requires a person filing a petition under this subchapter to satisfy the signature requirement described by Subsection (a) not later than the 180th day after the date the first signature for the petition is obtained.

(c) Requires that a signature collected under this section be in writing.

(d) Requires that the petition include a map of and describe the area to be released.

Sec. 42.104. RESULTS OF PETITION. (a) Requires that a petition requesting removal under this subchapter, when the petition period prescribed by Section 42.103 ends, be verified by the municipal secretary or other person responsible for verifying signatures. Requires the municipality to notify the residents and landowners of the area described by the petition of the results of the petition.

(b) Prohibits a resident, if a resident does not obtain the number of signatures on the petition required to release the area from the municipality's extraterritorial jurisdiction, from filing another petition under Section 42.101 to release the same or substantially same area from the municipality's extraterritorial jurisdiction until the first anniversary of the date the petition period ended.

(c) Requires the municipality, if a resident obtains the number of signatures on the petition required under Section 42.103 to release the area from the municipality's extraterritorial jurisdiction, to immediately release the area from its extraterritorial jurisdiction.

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

Sec. 42.151. AUTHORITY TO REQUEST ELECTION FOR RELEASE. (a) Authorizes a resident of an area with a population of 200 or more and that has been in a municipality's extraterritorial jurisdiction for at least one year to request the municipality to hold an election in accordance with this subchapter to vote on the question of whether to release the area from the municipality's extraterritorial jurisdiction by filing with the municipality a petition that includes the signatures of at least five percent of the registered voters residing in the area as of the date of the preceding uniform election date.

(b) Prohibits a resident from requesting another election on the question of releasing the same or substantially same area from the municipality's extraterritorial jurisdiction before the first anniversary of the date the municipality receives a petition filed under Subsection (a).

(c) Requires that the petition include a map of and describe the area to be released.

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

(b) Requires the municipality to hold the election ordered under this section in the area described by the petition.

(c) Requires that an election ordered under this section be held in the same manner as general elections of the municipality. Requires the municipality to pay for the costs of holding the election.

Sec. 42.153. RESULTS OF ELECTION. (a) Requires the municipality, following an election held under this subchapter, to notify the residents of the area proposed to be released from the municipality's extraterritorial jurisdiction of the results of the election.

(b) Requires the municipality, if at the election held under this subchapter a majority of voters approve the proposed release, to immediately release the area for which the election was held from the municipality's extraterritorial jurisdiction.

SECTION 2. Effective date: September 1, 2021.