

By: Middleton

S.B. No. 1108

A BILL TO BE ENTITLED

AN ACT

relating to release of an area from a municipality's extraterritorial jurisdiction.

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

SECTION 1. Section 42.023, Local Government Code, is amended to read as follows:

Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except:

(1) in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section 42.901;

(2) in accordance with an agreement under Section 42.022(d); or

(3) as necessary to comply with Section 42.0235 or 42.103(b).

SECTION 2. Chapter 42, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. RELEASE OF AREA FROM EXTRATERRITORIAL JURISDICTION BY ELECTION

Sec. 42.101. AUTHORITY TO REQUEST ELECTION FOR RELEASE.

(a) Except as provided by Subsection (b), a resident of an area in a municipality's extraterritorial jurisdiction may file a petition to request an election on the question of whether to release the

1 area from the municipality's extraterritorial jurisdiction. The  
2 petition must include:

3 (1) the signatures of at least five percent of the  
4 registered voters residing in the area; and

5 (2) a map and description of the area.

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

11 Sec. 42.102. ELECTION. (a) A municipality that receives a  
12 petition under Section 42.101 for the release of an area from the  
13 municipality's extraterritorial jurisdiction shall order an  
14 election on the question of whether to release the area to be held  
15 on the first uniform election date that falls on or after the date  
16 the municipality receives the petition.

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

19 (c) An election ordered under this section shall be held in  
20 the same manner as general elections of the municipality. The  
21 municipality shall pay for the costs of holding the election.

22 Sec. 42.103. RESULTS OF ELECTION. (a) Following an  
23 election held under this subchapter, the municipality must notify  
24 the residents of the area proposed to be released from the  
25 municipality's extraterritorial jurisdiction of the results of the  
26 election.

27 (b) If at the election held under this subchapter a majority

1 of qualified voters approve the proposed release, the municipality  
2 shall immediately release the area for which the election was held  
3 from the municipality's extraterritorial jurisdiction.

4       SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2023.