

## **BILL ANALYSIS**

Senate Research Center  
86R5402 SCL-D

S.B. 1326  
By: Campbell  
Intergovernmental Relations  
4/27/2019  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It has been suggested that certain areas in the extraterritorial jurisdiction of a municipality and certain areas in a real estate subdivision should have the ability to petition the municipality for release from the municipality's extraterritorial jurisdiction for failure to provide or agree to provide adequate services. S.B. 1326 seeks to address this issue by providing for such a petition procedure.

As proposed, S.B. 1326 amends current law relating to the release of extraterritorial jurisdiction by a municipality involving certain areas.

### **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 Subchapter B, Chapter 42, Local Government Code, by adding Section 42.0252, as follows:

Sec. 42.0252. **RELEASE OF EXTRATERRITORIAL JURISDICTION: CERTAIN AREAS.** (a) Provides that 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 adjacent to an area described by Subdivision (1), part of a real estate subdivision that contains all or part of an area described by Subdivision (1), and under the jurisdiction of a single property owners' association that governs the entire real estate subdivision.

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

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

(d) Requires a petition described by this section to be filed with the secretary or clerk of the municipality.

(e) Requires the secretary or clerk, not later than the 10th day after the date the secretary or clerk receives a petition under this section, to determine whether the petition is valid. Requires the governing body of the municipality, if the petition is determined valid, to immediately enter in the minutes or records of the

municipality an order releasing the area from the municipality's extraterritorial jurisdiction.

SECTION 2. Effective date: upon passage or September 1, 2019.