

By: Bettencourt S.B. No. 2038  
(Bell of Montgomery, Metcalf, Schofield, Bell of Kaufman,  
Tepper, et al.)

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 BY PETITION OF LANDOWNER OR RESIDENT  
FROM EXTRATERRITORIAL JURISDICTION

Sec. 42.101. APPLICABILITY. This subchapter does not apply  
to an area located:

(1) within five miles of the boundary of a military  
base, as defined by Section 43.0117, at which an active training  
program is conducted;

(2) in an area designated as an industrial district  
under Section 42.044; or

(3) in an area subject to a strategic partnership  
agreement entered into under Section 43.0751.

Sec. 42.102. AUTHORITY TO FILE PETITION FOR RELEASE. (a) A  
resident of an area 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.

(b) The owner or owners of the majority in value of an area  
consisting of one or more parcels of land in a municipality's

1 extraterritorial jurisdiction may file a petition with the  
2 municipality in accordance with this subchapter for the area to be  
3 released from the extraterritorial jurisdiction.

4 Sec. 42.103. APPLICABILITY OF OTHER LAW. Chapter 277,  
5 Election Code, applies to a petition requesting removal under this  
6 subchapter.

7 Sec. 42.104. PETITION REQUIREMENTS. (a) A petition  
8 requesting release under this subchapter must be signed by:

9 (1) more than 50 percent of the registered voters of  
10 the area described by the petition as of the date of the preceding  
11 uniform election; or

12 (2) a majority in value of the holders of title of land  
13 in the area described by the petition, as indicated by the tax rolls  
14 of the applicable central appraisal district.

15 (b) A person filing a petition under this subchapter must  
16 satisfy the signature requirement described by Subsection (a) not  
17 later than the 180th day after the date the first signature for the  
18 petition is obtained.

19 (c) A signature collected under this section must be in  
20 writing.

21 (d) The petition must include a map of the land to be  
22 released and describe the boundaries of the land to be released by:

23 (1) metes and bounds; or

24 (2) lot and block number, if there is a recorded map or  
25 plat.

26 Sec. 42.105. RESULTS OF PETITION. (a) A petition  
27 requesting removal under this subchapter shall be verified by the

1 municipal secretary or other person responsible for verifying  
2 signatures.

3 (b) The municipality shall notify the residents and  
4 landowners of the area described by the petition of the results of  
5 the petition. The municipality may satisfy this requirement by  
6 notifying the person who filed the petition under Section 42.102.

7 (c) If a resident or landowner obtains the number of  
8 signatures on the petition required under Section 42.104 to release  
9 the area from the municipality's extraterritorial jurisdiction,  
10 the municipality shall immediately release the area from the  
11 municipality's extraterritorial jurisdiction.

12 (d) If a municipality fails to take action to release the  
13 area under Subsection (c) by the later of the 45th day after the  
14 date the municipality receives the petition or the next meeting of  
15 the municipality's governing body that occurs after the 30th day  
16 after the date the municipality receives the petition, the area is  
17 released by operation of law.

18 (e) Notwithstanding Section 42.021, an area released from a  
19 municipality's extraterritorial jurisdiction under this section  
20 does not become part of the extraterritorial jurisdiction of  
21 another municipality on release, unless the owner or owners of the  
22 area request that the area be included in the other municipality's  
23 extraterritorial jurisdiction.

24 SUBCHAPTER E. RELEASE OF AREA BY ELECTION FROM EXTRATERRITORIAL  
25 JURISDICTION

26 Sec. 42.151. APPLICABILITY. This subchapter does not apply  
27 to an area located:

1           (1) within five miles of the boundary of a military  
2 base, as defined by Section 43.0117, at which an active training  
3 program is conducted;

4           (2) in an area designated as an industrial district  
5 under Section 42.044; or

6           (3) in an area subject to a strategic partnership  
7 agreement entered into under Section 43.0751.

8           Sec. 42.152. AUTHORITY TO REQUEST ELECTION FOR RELEASE.

9           (a) A resident of an area in a municipality's extraterritorial  
10 jurisdiction may request the municipality to hold an election in  
11 accordance with this subchapter to vote on the question of whether  
12 to release the area from the municipality's extraterritorial  
13 jurisdiction by filing with the municipality a petition that  
14 includes the signatures of at least five percent of the registered  
15 voters residing in the area as of the date of the preceding uniform  
16 election date.

17           (b) A resident may not request another election on the  
18 question of releasing the same or substantially same area from the  
19 municipality's extraterritorial jurisdiction before the second  
20 anniversary of the date the municipality receives a petition filed  
21 under Subsection (a).

22           (c) The petition must include a map of the land to be  
23 released and describe the boundaries of the land to be released by:

24                   (1) metes and bounds; or

25                   (2) lot and block number, if there is a recorded map or  
26 plat.

27           Sec. 42.153. ELECTION. (a) Except as provided by Section

1 42.156, a municipality shall order an election on the question of  
2 whether to release an area from the municipality's extraterritorial  
3 jurisdiction to be held on the first uniform election date that  
4 falls on or after the 90th day after the date the municipality  
5 receives a petition that complies with Section 42.152.

6 (b) The municipality shall hold the election ordered under  
7 this section in the area described by the petition at which the  
8 qualified voters of the area described by the petition may vote on  
9 the question of the release.

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

13 Sec. 42.154. RESULTS OF ELECTION. (a) The governing body  
14 of a municipality shall canvass the election returns for an  
15 election held under this subchapter in accordance with Chapter 67,  
16 Election Code.

17 (b) Not later than 48 hours after the canvass of an election  
18 held under this subchapter, the municipality shall notify the  
19 residents of the area proposed to be released from the  
20 municipality's extraterritorial jurisdiction of the results of the  
21 election. The municipality may satisfy this requirement by  
22 notifying the person who filed the petition under Section 42.152.

23 Sec. 42.155. RELEASE OF AREA AS RESULT OF ELECTION. (a) If  
24 at the election held under this subchapter a majority of qualified  
25 voters of the area to be released approve the proposed release, the  
26 municipality shall immediately release the area from the  
27 municipality's extraterritorial jurisdiction.

1        (b) If the municipality fails to take action to release the  
2 area under Subsection (a) by the later of the next meeting of the  
3 municipality's governing body or the 15th day after the canvass  
4 date for the election, the area is released by operation of law.

5        (c) Notwithstanding Section 42.021, an area released from a  
6 municipality's extraterritorial jurisdiction under this section  
7 does not become part of the extraterritorial jurisdiction of  
8 another municipality on release, unless the owner or owners of the  
9 area request that the area be included in the other municipality's  
10 extraterritorial jurisdiction.

11        Sec. 42.156. VOLUNTARY RELEASE. Instead of holding an  
12 election under Section 42.153, the municipality may voluntarily  
13 release the area for which the election is to be held from the  
14 municipality's extraterritorial jurisdiction before the date on  
15 which the election would have been held under Section 42.153(a).

16        SECTION 2. Section 42.021, Local Government Code, is  
17 amended by adding Subsection (e) to read as follows:

18        (e) An annexation commenced after January 1, 2023, does not  
19 expand the extraterritorial jurisdiction of a municipality unless  
20 contemporaneously with the annexation the owner or owners of the  
21 area that would be included in the municipality's extraterritorial  
22 jurisdiction as a result of the annexation request that the area be  
23 included in the municipality's extraterritorial jurisdiction.

24        SECTION 3. Section 242.001, Local Government Code, is  
25 amended by adding Subsection (j) to read as follows:

26        (j) If an area subject to an agreement under Subsection (c)  
27 is removed from a municipality's extraterritorial jurisdiction,

1 the agreement is terminated and the county is the political  
2 subdivision authorized to regulate subdivisions in the removed  
3 area.

4 SECTION 4. A municipality shall release extraterritorial  
5 jurisdiction acquired from an annexation commenced after January 1,  
6 2023, as necessary to comply with Section [42.021\(e\)](#), Local  
7 Government Code, as added by this Act.

8 SECTION 5. This Act takes effect September 1, 2023.