

1-1 By: Bettencourt S.B. No. 2038
 1-2 (In the Senate - Filed March 9, 2023; March 21, 2023, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 24, 2023, reported favorably by the following vote: Yeas 7,
 1-5 Nays 1; April 24, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt		X		
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker	X			
1-14 Paxton	X			
1-15 West	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to release of an area from a municipality's
 1-20 extraterritorial jurisdiction by petition or election.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 42, Local Government Code, is amended by
 1-23 adding Subchapters D and E to read as follows:

1-24 SUBCHAPTER D. RELEASE OF AREA BY PETITION OF LANDOWNER OR RESIDENTS
 1-25 FROM EXTRATERRITORIAL JURISDICTION

1-26 Sec. 42.101. AUTHORITY TO FILE PETITION FOR RELEASE. (a) A
 1-27 resident of an area with a population of less than 200 in a
 1-28 municipality's extraterritorial jurisdiction may file a petition
 1-29 with the municipality in accordance with this subchapter for the
 1-30 area to be released from the extraterritorial jurisdiction.

1-31 (b) The owner or owners of the majority in value of an area
 1-32 of land in a municipality's extraterritorial jurisdiction may file
 1-33 a petition with the municipality in accordance with this subchapter
 1-34 for the area to be released from the extraterritorial jurisdiction.

1-35 Sec. 42.102. APPLICABILITY OF OTHER LAW. Chapter 277,
 1-36 Election Code, applies to a petition requesting removal under this
 1-37 subchapter.

1-38 Sec. 42.103. PETITION REQUIREMENTS. (a) A petition
 1-39 requesting release under this subchapter must be signed by:

1-40 (1) more than 50 percent of the registered voters of
 1-41 the area described by the petition as of the date of the preceding
 1-42 uniform election date; or

1-43 (2) a majority in value of the holders of title of land
 1-44 in the area described by the petition, as indicated by the tax rolls
 1-45 of the central appraisal district.

1-46 (b) A person filing a petition under this subchapter must
 1-47 satisfy the signature requirement described by Subsection (a) not
 1-48 later than the 180th day after the date the first signature for the
 1-49 petition is obtained.

1-50 (c) A signature collected under this section must be in
 1-51 writing.

1-52 (d) The petition must include a map of the land to be
 1-53 released and describe the boundaries of the land to be released by
 1-54 metes and bounds or by lot and block number, if there is a recorded
 1-55 map or plat.

1-56 Sec. 42.104. RESULTS OF PETITION. (a) A petition
 1-57 requesting removal under this subchapter shall be verified by the
 1-58 municipal secretary or other person responsible for verifying
 1-59 signatures.

1-60 (b) The municipality must notify the residents or
 1-61 landowners of the area described by the petition of the results of

2-1 the petition.
2-2 (c) If a resident or landowner obtains the number of
2-3 signatures on the petition required under Section 42.103 to release
2-4 the area from the municipality's extraterritorial jurisdiction,
2-5 the municipality shall immediately release the area from its
2-6 extraterritorial jurisdiction.

2-7 Sec. 42.105. AREA NEAR MILITARY BASE. This subchapter does
2-8 not apply to any area located within five miles of the boundary of a
2-9 military base, as defined in Section 43.0117(a), in which an active
2-10 training program is conducted.

2-11 SUBCHAPTER E. RELEASE OF AREA BY ELECTION FROM
2-12 EXTRATERRITORIAL JURISDICTION

2-13 Sec. 42.151. AUTHORITY TO REQUEST ELECTION FOR RELEASE.

2-14 (a) A resident of an area with a population of 200 or more and that
2-15 has been in a municipality's extraterritorial jurisdiction for at
2-16 least one year may request the municipality to hold an election in
2-17 accordance with this subchapter to vote on the question of whether
2-18 to release the area from the municipality's extraterritorial
2-19 jurisdiction by filing with the municipality a petition that
2-20 includes the signatures of at least five percent of the registered
2-21 voters residing in the area as of the date of the preceding uniform
2-22 election date.

2-23 (b) A resident may not request another election on the
2-24 question of releasing the same or substantially same area from the
2-25 municipality's extraterritorial jurisdiction before the first
2-26 anniversary of the date the municipality receives a petition filed
2-27 under Subsection (a).

2-28 (c) The petition must include a map of the land to be
2-29 released and describe the boundaries of the land to be released by
2-30 metes and bounds or by lot and block number, if there is a recorded
2-31 map or plat.

2-32 Sec. 42.152. ELECTION. (a) A municipality shall order an
2-33 election on the question of whether to release an area from the
2-34 municipality's extraterritorial jurisdiction to be held on the
2-35 first uniform election date that falls on or after the 90th day
2-36 after the date the municipality receives a petition that complies
2-37 with Section 42.151.

2-38 (b) The municipality shall hold the election ordered under
2-39 this section in the area described by the petition at which the
2-40 qualified voters of the area described by the petition may vote on
2-41 the question of the release.

2-42 (c) An election ordered under this section must be held in
2-43 the same manner as general elections of the municipality. The
2-44 municipality shall pay for the costs of holding the election.

2-45 Sec. 42.153. RESULTS OF ELECTION. (a) Following an
2-46 election held under this subchapter, the municipality shall notify
2-47 the residents of the area proposed to be released from the
2-48 municipality's extraterritorial jurisdiction of the results of the
2-49 election.

2-50 (b) If at the election held under this subchapter a majority
2-51 of qualified voters of the area to be released approve the proposed
2-52 release, the municipality shall immediately release the area for
2-53 which the election was held from the municipality's
2-54 extraterritorial jurisdiction.

2-55 Sec. 42.154. AREA NEAR MILITARY BASE. This subchapter does
2-56 not apply to any area located within five miles of the boundary of a
2-57 military base, as defined in Section 43.0117(a), in which an active
2-58 training program is conducted.

2-59 SECTION 2. This Act takes effect September 1, 2023.

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