

By: Bell

H.B. No. 3141

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to relating to the extraterritorial jurisdiction of  
3 certain municipalities.

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

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

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

11 (1) in cases of judicial apportionment of overlapping  
12 extraterritorial jurisdictions under Section 42.901; ~~or~~

13 (2) in accordance with an agreement under Section  
14 42.022(d); or

15 (3) in accordance with Section 42.0252.

16 SECTION 2. Subchapter B, Chapter 42, Local Government Code,  
17 is amended by adding Section 42.0252 to read as follows:

18 Sec. 42.0252. RELEASE OF EXTRATERRITORIAL JURISDICTION BY  
19 CERTAIN MUNICIPALITIES. (a) This section applies only to a  
20 landowner whose property is located within:

21 (1) a county with a population of more than 40,000, and  
22 less than 60,000; and

23 (2) the extraterritorial jurisdiction of a  
24 municipality that has a population of more than 1,800,000.

1       (b) A landowner may provide notice to a municipality that  
2 the landowner's property shall be released from the municipality's  
3 extraterritorial jurisdiction. Upon the municipality's receipt of  
4 such notice, the landowner's property shall be immediately released  
5 from the municipality's extraterritorial jurisdiction for all  
6 purposes.

7       (c) The notice of release shall be sufficient if it is  
8 signed by the record owner of the property and describes the  
9 property to be released by:

10                       (i) a metes and bounds survey certified by a  
11 licensed state land surveyor or a registered professional land  
12 surveyor;

13                       (ii) the Texas State Plane Coordinate  
14 System;

15                       (iii) verifiable landmarks, including a  
16 road, creek, or railroad line; or

17                       (iv) if a recorded plat of the area exists,  
18 lot and block number.

19       SECTION 3. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2013.