

By: Bettencourt

S.B. No. 2038

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 RESIDENTS
FROM EXTRATERRITORIAL JURISDICTION

Sec. 42.101. AUTHORITY TO FILE PETITION FOR RELEASE. (a) A resident of an area with a population of less than 200 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 of land 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.

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

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

(1) more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding

1 uniform election date; or

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

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

9 (c) A signature collected under this section must be in
10 writing.

11 (d) The petition must include a map of the land to be
12 released and describe the boundaries of the land to be released by
13 metes and bounds or by lot and block number, if there is a recorded
14 map or plat.

15 Sec. 42.104. RESULTS OF PETITION. (a) A petition
16 requesting removal under this subchapter shall be verified by the
17 municipal secretary or other person responsible for verifying
18 signatures.

19 (b) The municipality must notify the residents or
20 landowners of the area described by the petition of the results of
21 the petition.

22 (c) If a resident or landowner obtains the number of
23 signatures on the petition required under Section 42.103 to release
24 the area from the municipality's extraterritorial jurisdiction,
25 the municipality shall immediately release the area from its
26 extraterritorial jurisdiction.

27 Sec. 42.105. AREA NEAR MILITARY BASE. This subchapter does

1 not apply to any area located within five miles of the boundary of a
2 military base, as defined in Section 43.0117(a), in which an active
3 training program is conducted.

4 SUBCHAPTER E. RELEASE OF AREA BY ELECTION FROM

5 EXTRATERRITORIAL JURISDICTION

6 Sec. 42.151. AUTHORITY TO REQUEST ELECTION FOR RELEASE.

7 (a) A resident of an area with a population of 200 or more and that
8 has been in a municipality's extraterritorial jurisdiction for at
9 least one year may request the municipality to hold an election in
10 accordance with this subchapter to vote on the question of whether
11 to release the area from the municipality's extraterritorial
12 jurisdiction by filing with the municipality a petition that
13 includes the signatures of at least five percent of the registered
14 voters residing in the area as of the date of the preceding uniform
15 election date.

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

21 (c) 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 metes and bounds or by lot and block number, if there is a recorded
24 map or plat.

25 Sec. 42.152. ELECTION. (a) A municipality shall order an
26 election on the question of whether to release an area from the
27 municipality's extraterritorial jurisdiction to be held on the

1 first uniform election date that falls on or after the 90th day
2 after the date the municipality receives a petition that complies
3 with Section 42.151.

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

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

11 Sec. 42.153. RESULTS OF ELECTION. (a) Following an
12 election held under this subchapter, the municipality shall notify
13 the residents of the area proposed to be released from the
14 municipality's extraterritorial jurisdiction of the results of the
15 election.

16 (b) If at the election held under this subchapter a majority
17 of qualified voters of the area to be released approve the proposed
18 release, the municipality shall immediately release the area for
19 which the election was held from the municipality's
20 extraterritorial jurisdiction.

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

25 SECTION 2. This Act takes effect September 1, 2023.