



TEXAS HOUSE OF REPRESENTATIVES

COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

Chairman Cecil Bell, Jr.

April 16th, 2025

Office of the Attorney General
The Honorable Ken Paxton
Attention: Opinion Committee
PO Box 12458
Austin, Texas 78711

RE: Request for Attorney General Opinion Regarding Legislative Authority to Reduce or Eliminate Extraterritorial Jurisdictions

Dear Attorney General Paxton:

As Chair of the House Committee on Intergovernmental Affairs, I respectfully request your opinion regarding the Texas Legislature's authority to (i) reduce or eliminate the geographical area within a city's extraterritorial jurisdiction (ETJ); or (ii) reduce or eliminate a city's regulatory jurisdiction within its ETJ.

I. Authority for Request

This request is submitted pursuant to Section 402.042 of the Texas Government Code, which authorizes the chair of a legislative committee to request an Attorney General opinion.

II. Questions Presented

Is the geographical area of a city's ETJ or a cities' regulatory authority within their ETJ, as established under Chapter 42 of the Texas Local Government Code, purely statutory creations that possess no independent constitutional protections?

Does the Texas Legislature have plenary authority to reduce or eliminate the geographical area or the regulatory authority within a city's ETJ without constitutional impediment?

III. Facts and Background

Our committee receives numerous proposed bills regarding reducing the geographical area of a city's ETJ or reducing the regulatory authority of cities within their ETJ and is currently

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evaluating additional legislative proposals related thereto. Understanding the constitutional status of ETJs (both geographically and from a regulatory standpoint) and the extent of legislative authority to reduce or modify them is critical to our deliberations.

IV. Analysis of the Issue

Our analysis indicates that ETJs are entirely statutory creations with no independent constitutional status. Unlike incorporated municipalities, which may have certain constitutional protections, ETJs exist solely because the Legislature created them through statute and can therefore be modified or eliminated at the Legislature's discretion. ETJs were created through Chapter 42 of the Texas Local Government Code and did not exist at common law or under any constitutional provision. Section 42.001 expressly states that the purpose of ETJ designation is "to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities." This statutory purpose suggests a regulatory framework rather than a constitutionally protected right.

Texas courts have consistently recognized that extraterritorial jurisdictions are created and defined by Chapter 42 of the Local Government Code.¹ The statutory origin of ETJs supports our assumption that they are subject to legislative modification and supports the fundamental principle that statutory rights created by the Legislature may be modified or eliminated by the same legislative authority that created them, absent specific constitutional limitations.

V. Conclusion

Your opinion on this matter will provide essential guidance for our committee as we consider future legislation regarding ETJs.

Thank you for your consideration of this request. If you require additional information, please contact my Committee Director, Amy Rister, at Amy.Rister@house.texas.gov.

Respectfully submitted,



Representative Cecil Bell, Jr., District 3
Chair, House Committee on Intergovernmental Affairs

cc: George Lane

¹ *Town of Annetta S. v. Seadrift Dev., L.P.*, 446 S.W.3d 823, 826 (Tex. App.—Fort Worth 2014, pets. denied) (quoting *FM Props. Operating Co. v. City of Austin*, 22 S.W.3d 868, 902 (Tex. 2000) (Abbott, J., dissenting)).