

By: Schofield

H.B. No. 57

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the release of extraterritorial jurisdiction by certain  
3 populous municipalities for certain purposes, including municipal  
4 incorporation.

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

6 SECTION 1. Subchapter B, Chapter 42, Local Government Code,  
7 is amended by adding Section 42.0252 to read as follows:

8 Sec. 42.0252. RELEASE OF EXTRATERRITORIAL JURISDICTION BY  
9 CERTAIN POPULOUS MUNICIPALITIES FOR CERTAIN PURPOSES. (a) In this  
10 section:

11 (1) "Adopting municipality" means a municipality the  
12 extraterritorial jurisdiction of which is less than the designated  
13 distance that would otherwise be applied under Section 42.021  
14 because the extraterritorial jurisdiction of a releasing  
15 municipality was previously established.

16 (2) "Releasing municipality" means a municipality  
17 with a population of 1.8 million or more.

18 (b) A releasing municipality shall release an area from its  
19 extraterritorial jurisdiction and an adopting municipality shall  
20 include the area in its extraterritorial jurisdiction if:

21 (1) the adopting municipality receives:

22 (A) a petition that:

23 (i) is signed by a majority of the  
24 registered voters of the area that requests the municipality to

1 annex the area; and

2 (ii) includes a metes and bounds  
3 description of the area to be annexed; and

4 (B) the releasing municipality receives:

5 (i) a resolution from the adopting  
6 municipality that states the adopting municipality's intention to  
7 annex the area described in the petition under Paragraph (A) by  
8 consent of the voters of the area; and

9 (ii) a copy of the petition described under  
10 Paragraph (A); and

11 (2) the boundaries of the adopting municipality are  
12 located contiguous to the area and the area is within the designated  
13 distance applicable to that municipality under Section 42.021.

14 (c) A releasing municipality shall release the area  
15 described under Subsection (b)(1)(A)(ii) not later than the 30th  
16 day after the date the municipality receives the documents  
17 described by Subsection (b)(1)(B) from a municipality that  
18 satisfies the conditions of Subsection (b)(2).

19 (d) The annexation of an area described under Subsection  
20 (b)(1)(A)(ii) by the adopting municipality must be completed on or  
21 before the first anniversary of the date the releasing municipality  
22 releases the area or the release of the area from that  
23 municipality's extraterritorial jurisdiction is void.

24 SECTION 2. Section 42.041, Local Government Code, is  
25 amended by adding Subsection (f) to read as follows:

26 (f) This section does not apply if the existing municipality  
27 is a municipality with a population of 1.8 million or more.

1           SECTION 3. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect December 1, 2017.