

By: Bell of Montgomery, Metcalf, Schofield,
Bell of Kaufman, Tepper, et al.

H.B. No. 5217

Substitute the following for H.B. No. 5217:

By: Burns

C.S.H.B. No. 5217

A BILL TO BE ENTITLED

AN ACT

relating to release of an area from and limitations on the expansion
of a municipality's extraterritorial jurisdiction.

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 RESIDENT
FROM EXTRATERRITORIAL JURISDICTION

Sec. 42.101. APPLICABILITY. This subchapter does not apply
to an area located:

(1) within five miles of the boundary of a military
base, as defined by Section 43.0117, at which an active training
program is conducted;

(2) in an area designated as an industrial district
under Section 42.044; or

(3) in an area subject to a strategic partnership
agreement entered into under Section 43.0751.

Sec. 42.102. AUTHORITY TO FILE PETITION FOR RELEASE. (a) A
resident of an area 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
consisting of one or more parcels of land in a municipality's

1 extraterritorial jurisdiction may file a petition with the
2 municipality in accordance with this subchapter for the area to be
3 released from the extraterritorial jurisdiction.

4 Sec. 42.103. APPLICABILITY OF OTHER LAW. Chapter 277,
5 Election Code, applies to a petition requesting removal under this
6 subchapter.

7 Sec. 42.104. PETITION REQUIREMENTS. (a) A petition
8 requesting release under this subchapter must be signed by:

9 (1) more than 50 percent of the registered voters of
10 the area described by the petition as of the date of the preceding
11 uniform election; or

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

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

19 (c) A signature collected under this section must be in
20 writing.

21 (d) 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 (1) metes and bounds; or

24 (2) lot and block number, if there is a recorded map or
25 plat.

26 Sec. 42.105. RESULTS OF PETITION. (a) A petition
27 requesting removal under this subchapter shall be verified by the

1 municipal secretary or other person responsible for verifying
2 signatures.

3 (b) The municipality shall notify the residents and
4 landowners of the area described by the petition of the results of
5 the petition. The municipality may satisfy this requirement by
6 notifying the person who filed the petition under Section 42.102.

7 (c) If a resident or landowner obtains the number of
8 signatures on the petition required under Section 42.104 to release
9 the area from the municipality's extraterritorial jurisdiction,
10 the municipality shall immediately release the area from the
11 municipality's extraterritorial jurisdiction.

12 (d) If a municipality fails to take action to release the
13 area under Subsection (c) by the later of the 45th day after the
14 date the municipality receives the petition or the next meeting of
15 the municipality's governing body that occurs after the 30th day
16 after the date the municipality receives the petition, the area is
17 released by operation of law.

18 (e) Notwithstanding Section 42.021, an area released from a
19 municipality's extraterritorial jurisdiction under this section
20 does not become part of the extraterritorial jurisdiction of
21 another municipality on release, unless the owner or owners of the
22 area request that the area be included in the other municipality's
23 extraterritorial jurisdiction.

24 SUBCHAPTER E. RELEASE OF AREA BY ELECTION FROM EXTRATERRITORIAL
25 JURISDICTION

26 Sec. 42.151. APPLICABILITY. This subchapter does not apply
27 to an area located:

1 (1) within five miles of the boundary of a military
2 base, as defined by Section 43.0117, at which an active training
3 program is conducted;

4 (2) in an area designated as an industrial district
5 under Section 42.044; or

6 (3) in an area subject to a strategic partnership
7 agreement entered into under Section 43.0751.

8 Sec. 42.152. AUTHORITY TO REQUEST ELECTION FOR RELEASE.

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

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

22 (c) The petition must include a map of the land to be
23 released and describe the boundaries of the land to be released by:

24 (1) metes and bounds; or

25 (2) lot and block number, if there is a recorded map or
26 plat.

27 Sec. 42.153. ELECTION. (a) Except as provided by Section

1 42.156, a municipality shall order an election on the question of
2 whether to release an area from the municipality's extraterritorial
3 jurisdiction to be held on the first uniform election date that
4 falls on or after the 90th day after the date the municipality
5 receives a petition that complies with Section 42.152.

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

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

13 Sec. 42.154. RESULTS OF ELECTION. (a) The governing body
14 of a municipality shall canvass the election returns for an
15 election held under this subchapter in accordance with Chapter 67,
16 Election Code.

17 (b) Not later than 48 hours after the canvass of an election
18 held under this subchapter, the municipality shall notify the
19 residents of the area proposed to be released from the
20 municipality's extraterritorial jurisdiction of the results of the
21 election. The municipality may satisfy this requirement by
22 notifying the person who filed the petition under Section 42.152.

23 Sec. 42.155. RELEASE OF AREA AS RESULT OF ELECTION. (a) If
24 at the election held under this subchapter a majority of qualified
25 voters of the area to be released approve the proposed release, the
26 municipality shall immediately release the area from the
27 municipality's extraterritorial jurisdiction.

1 (b) If the municipality fails to take action to release the
2 area under Subsection (a) by the later of the next meeting of the
3 municipality's governing body or the 15th day after the canvass
4 date for the election, the area is released by operation of law.

5 (c) Notwithstanding Section 42.021, an area released from a
6 municipality's extraterritorial jurisdiction under this section
7 does not become part of the extraterritorial jurisdiction of
8 another municipality on release, unless the owner or owners of the
9 area request that the area be included in the other municipality's
10 extraterritorial jurisdiction.

11 Sec. 42.156. VOLUNTARY RELEASE. Instead of holding an
12 election under Section 42.153, the municipality may voluntarily
13 release the area for which the election is to be held from the
14 municipality's extraterritorial jurisdiction before the date on
15 which the election would have been held under Section 42.153(a).

16 SECTION 2. Section 42.021, Local Government Code, is
17 amended by adding Subsection (e) to read as follows:

18 (e) An annexation commenced after January 1, 2023, does not
19 expand the extraterritorial jurisdiction of a municipality unless
20 contemporaneously with the annexation the owner or owners of the
21 area that would be included in the municipality's extraterritorial
22 jurisdiction as a result of the annexation request that the area be
23 included in the municipality's extraterritorial jurisdiction.

24 SECTION 3. Section 242.001, Local Government Code, is
25 amended by adding Subsection (j) to read as follows:

26 (j) If an area subject to an agreement under Subsection (c)
27 is removed from a municipality's extraterritorial jurisdiction,

1 the agreement is terminated and the county is the political
2 subdivision authorized to regulate subdivisions in the removed
3 area.

4 SECTION 4. A municipality shall release extraterritorial
5 jurisdiction acquired from an annexation commenced after January 1,
6 2023, as necessary to comply with Section [42.021\(e\)](#), Local
7 Government Code, as added by this Act.

8 SECTION 5. This Act takes effect September 1, 2023.