

## **BILL ANALYSIS**

S.B. 1302  
By: Madla  
Natural Resources  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

Currently, a municipality's consent is required if a water district is created within the extraterritorial jurisdiction (ETJ) of the municipality. However, if a water district annexes land located in the ETJ of a municipality, no consent from the municipality is required. As proposed, S.B. 1302 requires a municipality to give its written consent for the annexation of land into a special district if the land being annexed is located within the municipality's ETJ; if the municipality denies inclusion of the land in the district, the municipality would be required to provide the services that would have been provided as a result of the annexation.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Chapter 42C, Local Government Code, by adding Section 42.048, as follows:  
Sec. 42.048. EXPANSION OF CERTAIN SPECIAL PURPOSE DISTRICTS TO INCLUDE EXTRATERRITORIAL JURISDICTION.

(a) Prohibits a political subdivision, one purpose of which is to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, that is authorized to add territory to its jurisdiction from adding territory that is in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent.

(b) Authorizes a majority of the qualified voters of the territory for which the request was made and the owners of at least 50 percent of the land in that territory, if the governing body fails or refuses to give its consent for the addition of territory to a political subdivision on mutually agreeable terms within 90 days after the date it receives a written request for the consent under Subsection (a), to petition the governing body to make available to the territory the water or sanitary sewer services, or both, that would be provided by the political subdivision.

(c) Provides that if, within 120 days after the date the governing body receives the petition, the governing body fails to make a contract with a majority of the qualified voters of the territory for which the request was made and the owners of at least 50 percent of the land in that territory to provide the services, that failure constitutes the governing body's consent to the addition of the territory to the proposed political subdivision.

SECTION 2. Amends the heading to Chapter 42C, Local Government Code, to read as follows:  
SUBCHAPTER C. CREATION OR EXPANSION OF GOVERNMENTAL ENTITIES IN EXTRATERRITORIAL JURISDICTION.

SECTION 3. Effective date: September 1, 2003.

**EFFECTIVE DATE**

September 1, 2003

**EXPLANATION OF AMENDMENTS**

Committee Amendment No. 1 adds new subsections (d) and (e) to Section 42.048, Local Government Code, that specify that this section does not apply in any part of the municipal extraterritorial jurisdiction for which a water and wastewater utility owned by the municipality has been issued a certificate of convenience and necessity by the Texas Commission on Environmental Quality to supply water and sanitary sewer services.

The amendment also specifies that the section does not impair the authority of a municipality to enact and enforce water quality ordinances in the corporate limits and the extraterritorial jurisdiction of the municipality. It also specifies that an area in the extraterritorial jurisdiction of a municipality for which the municipality provides consent to be included in a political subdivision is subject to water quality ordinances.