

By: Paxton

H.B. No. 2564

A BILL TO BE ENTITLED

AN ACT

1
2 relating to review by a county of a petition for the creation of a
3 municipal utility district.

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

5 SECTION 1. Section 54.0161, Water Code, is amended by
6 amending Subsection (a) and adding Subsection (d) to read as
7 follows:

8 (a) If all or part of a proposed district is to be located
9 outside the extraterritorial jurisdiction of a city, the
10 commissioners court of the county in which the district is to be
11 located may review the petition for creation and other evidence and
12 information relating to the proposed district that the
13 commissioners consider necessary. Petitioners for the creation of
14 a district shall submit to the county commissioners court any
15 relevant information requested by the commissioners court in the
16 event a review is done. The petitioners must file the petition for
17 creation of the district with the county clerk's office and the
18 county judge in each county in which the district is to be located
19 not later than the 90th day before the date on which a first hearing
20 before the commission is set. The petitioners must provide proof of
21 this filing to the commission. The commission may not consider the
22 petition until the commission receives the proof of filing and the
23 commissioners court determination on review, if a review was found
24 necessary. A review by the commissioners court is presumed to be

1 necessary unless the commissioners court, not later than the 30th
2 day after the date on which the petition is filed with the county
3 clerk, finds by court order that a review is not necessary. The
4 commissioners court shall complete a review of the petition not
5 later than the 120th day after the date on which the petition is
6 filed with the county clerk unless the petitioners waive this time
7 requirement or the court requires additional time to review the
8 information provided by the petitioners.

9 (d) Notwithstanding Subsection (c), the commission must
10 receive the favorable recommendation of the commissioners court to
11 approve a petition for a district to be located or partially located
12 in a county that:

13 (1) has a population of 400,000 or more; or

14 (2) is adjacent to a county with a population of one
15 million or more.

16 SECTION 2. This Act takes effect September 1, 2003, and
17 applies only to a petition filed with the Texas Commission on
18 Environmental Quality on or after the effective date of this Act. A
19 petition pending before the Texas Commission on Environmental
20 Quality on the effective date of this Act is governed by the law in
21 effect immediately before the effective date of this Act, and that
22 law is continued in effect for that purpose.