

By: Laubenberg

H.B. No. 3537

A BILL TO BE ENTITLED

AN ACT

relating to providing water services within the extraterritorial jurisdiction or ultimate planning boundaries of municipalities.

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

SECTION 1. Section 395.080, Local Government Code, as amended by Chapter 76, Acts of the 74th Legislature, Regular Session, 1995, is reenacted and amended to read as follows:

Section 395.080. CHAPTER NOT APPLICABLE TO CERTAIN EATER-RELATED SPECIAL DISTRICTS.

(a) This chapter does not apply to impact fees, charges, fees, assessments, or contributions:

(1) paid by or charged to a district created under Article XVI, Section 59, of the Texas Constitution to another district created under that constitutional provision if both districts are required by law to obtain approval of their bonds by the Texas [~~Natural Resource Conservation Commission~~] Commission on Environmental Quality; or

(2) charged by an entity if the impact fees, charges, fees, assessments, or contributions are approved by the Texas [~~Natural Resource Conservation Commission~~] Commission on Environmental Quality.

(b) Any district created under Article XVI, Section 59, or Article III, Section 52, of the Texas Constitution may petition the Texas [~~Natural Resource Conservation Commission~~] Commission on

1 Environmental Quality for approval of any proposed impact fees,  
2 charges, fees, assessments, or contributions. The commission shall  
3 adopt rules for reviewing the petition and may charge the  
4 petitioner fees adequate to cover the cost of processing and  
5 considering the petition. The rules shall require notice  
6 substantially the same as that required by this chapter for the  
7 adoption of impact fees and shall afford opportunity for all  
8 affected parties to participate.

9 (c) Any rural water supply corporation created under  
10 Chapter 67, Water Code, which provides water service within the  
11 extraterritorial jurisdiction or ultimate planning shall petition  
12 the Texas Commission on Environmental Quality for approval of any  
13 proposed impact fees, charges, fees, assessments or contributions  
14 before assessing the same. The commission shall adopt rules for  
15 reviewing the petition and may charge the petitioner fees adequate  
16 to cover the cost of processing and considering the petition. The  
17 rules shall require notice substantially the same as that required  
18 by this chapter for the adoption of impact fees and shall afford  
19 opportunity for all affected parties to participate. This  
20 subsection only applies to a municipality which is located in a  
21 county that:

- 22 (1) has a population of 500,000 or more; or  
23 (2) is adjacent to a county with a population of  
24 500,000 or more,

25 SECTION 2. This Act takes effect September 1, 2003.