

By: Madla

S.B. No. 1302

A BILL TO BE ENTITLED

1 AN ACT

2 relating to adding land that is in the extraterritorial
3 jurisdiction of a municipality to the territory of certain special
4 purpose districts.

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

6 SECTION 1. Subchapter C, Chapter 42, Local Government Code,
7 is amended by adding Section 42.048 to read as follows:

8 Sec. 42.048. EXPANSION OF CERTAIN SPECIAL PURPOSE DISTRICTS
9 TO INCLUDE EXTRATERRITORIAL JURISDICTION. (a) A political
10 subdivision, one purpose of which is to supply fresh water for
11 domestic or commercial use or to furnish sanitary sewer services,
12 roadways, or drainage, that is authorized to add territory to its
13 jurisdiction may not add territory that is in the extraterritorial
14 jurisdiction of a municipality unless the governing body of the
15 municipality gives its written consent.

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

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

8 SECTION 2. The heading to Subchapter C, Chapter 42, Local
9 Government Code, is amended to read as follows:

10 SUBCHAPTER C. CREATION OR EXPANSION OF GOVERNMENTAL
11 ENTITIES IN EXTRATERRITORIAL JURISDICTION

12 SECTION 3. This Act takes effect September 1, 2003.

