

By: Armbrister

S.B. No. 1280

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the annexation by a municipality of a water district in
3 its extraterritorial jurisdiction.

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

5 SECTION 1. Section 43.071(a), Local Government Code, is
6 amended to read as follows:

7 (a) In this section, "water or sewer district" means a
8 district or authority created under Article III, Section 52,
9 Subsections (b)(1) and (2), or under Article XVI, Section 59, of the
10 Texas Constitution that provides or proposes to provide, as its
11 principal function, water services or sewer services or both to
12 household users. The term does not include:

13 (1) a district or authority the primary function of
14 which is the wholesale distribution of water; or

15 (2) a district that has adopted a plan for a defined
16 area under Subchapter L, Chapter 51, Water Code, or Subchapter J,
17 Chapter 54, Water Code.

18 SECTION 2. Subchapter D, Chapter 43, Local Government Code,
19 is amended by adding Section 43.0711 to read as follows:

20 Sec. 43.0711. AUTHORITY TO ANNEX WATER DISTRICT. A
21 municipality may not annex a part of a defined area in a district
22 that has adopted a plan for the defined area under Subchapter L,
23 Chapter 51, Water Code, or Subchapter J, Chapter 54, Water Code,
24 unless the municipality:

1 (1) annexes all of the defined area that is within the
2 municipality's extraterritorial jurisdiction; and

3 (2) assumes the pro rata share of the bonded
4 indebtedness of the annexed area.

5 SECTION 3. Section 43.0711, Local Government Code, as added
6 by this Act, applies only to the annexation of an area for which all
7 parts of the statutory annexation process are begun on or after the
8 effective date of this Act. The annexation of an area for which any
9 part of the statutory annexation process was begun before the
10 effective date of this Act is governed by the law in effect
11 immediately before the effective date of this Act, and the former
12 law is continued in effect for that purpose.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2005.