

By: Hill

H.B. No. 2091

A BILL TO BE ENTITLED

1 AN ACT

2 relating to municipal consent to the addition to a political  
3 subdivision of land located in the extraterritorial jurisdiction of  
4 the municipality.

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

6 SECTION 1. The heading to Subchapter C, Chapter 42, Local  
7 Government Code, is amended to read as follows:

8 SUBCHAPTER C. CREATION OR EXPANSION OF GOVERNMENTAL ENTITIES IN  
9 EXTRATERRITORIAL JURISDICTION

10 SECTION 2. Subchapter C, Chapter 42, Local Government Code,  
11 is amended by adding Section 42.0425 to read as follows:

12 Sec. 42.0425. ADDITION OF LAND IN EXTRATERRITORIAL  
13 JURISDICTION OF MUNICIPALITY TO CERTAIN POLITICAL  
14 SUBDIVISIONS. (a) A political subdivision, one purpose of which is  
15 to supply fresh water for domestic or commercial use or to furnish  
16 sanitary sewer services, roadways, or drainage, may not add land  
17 that is located in the extraterritorial jurisdiction of a  
18 municipality unless the governing body of the municipality gives  
19 its written consent by ordinance or resolution in accordance with  
20 this section and the Water Code. In giving its consent, the  
21 municipality may not place any conditions or other restrictions on  
22 the expansion of the political subdivision other than those  
23 expressly permitted by Section 54.016(e), Water Code.

24 (b) The procedures under Section 42.042 governing a

1 municipality's refusal to consent to the creation of a political  
2 subdivision apply to a municipality that refuses to consent to the  
3 addition of land to a political subdivision under this section.

4 (c) An owner of land in the area proposed to be added to the  
5 political subdivision may not unreasonably refuse to enter into a  
6 contract for water or sanitary sewer services with the municipality  
7 under Section 42.042(c).

8 (d) This section does not apply to a political subdivision  
9 created by Chapter 289, Acts of the 73rd Legislature, Regular  
10 Session, 1993.

11 SECTION 3. The heading to Subchapter B, Chapter 54, Water  
12 Code, is amended to read as follows:

13 SUBCHAPTER B. CREATION OR EXPANSION OF DISTRICT; CONVERSION OF  
14 DISTRICT

15 SECTION 4. Subchapter B, Chapter 54, Water Code, is amended  
16 by adding Section 54.0165 to read as follows:

17 Sec. 54.0165. ADDITION TO DISTRICT OF LAND IN  
18 EXTRATERRITORIAL JURISDICTION OF MUNICIPALITY. (a) A district may  
19 not add land that is located in the extraterritorial jurisdiction  
20 of a municipality unless the governing body of the municipality  
21 gives its written consent by ordinance or resolution in accordance  
22 with this subsection and Section 54.016. In giving its consent, the  
23 municipality may not place any conditions or other restrictions on  
24 the expansion of the political subdivision other than those  
25 expressly permitted by Section 54.016(e).

26 (b) The procedures under Section 54.016 governing a  
27 municipality's refusal to consent to the creation of a district

1 apply to a municipality that refuses to consent to the addition of  
2 land to a district under this section.

3 (c) An owner of land in the area proposed to be added to the  
4 district may not unreasonably refuse to enter into a contract for  
5 water or sanitary sewer services with the municipality under  
6 Section 54.016(c).

7 SECTION 5. The changes in law made by this Act apply only to  
8 a political subdivision, including a municipal utility district,  
9 that adds land on or after the effective date of this Act. A  
10 political subdivision that adds land before the effective date of  
11 this Act is governed by the law in effect on the date the land was  
12 added, and the former law is continued in effect for that purpose.

13 SECTION 6. 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, 2007.