

1-1 By: Hill (Senate Sponsor - Wentworth) H.B. No. 2091
1-2 (In the Senate - Received from the House May 11, 2007;
1-3 May 15, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2007, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 18, 2007, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to municipal consent to the addition to a political
1-10 subdivision of land located in the extraterritorial jurisdiction of
1-11 the municipality.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Subchapter C, Chapter 42, Local
1-14 Government Code, is amended to read as follows:

1-15 SUBCHAPTER C. CREATION OR EXPANSION OF GOVERNMENTAL ENTITIES IN
1-16 EXTRATERRITORIAL JURISDICTION

1-17 SECTION 2. Subchapter C, Chapter 42, Local Government Code,
1-18 is amended by adding Section 42.0425 to read as follows:

1-19 Sec. 42.0425. ADDITION OF LAND IN EXTRATERRITORIAL
1-20 JURISDICTION OF MUNICIPALITY TO CERTAIN POLITICAL
1-21 SUBDIVISIONS. (a) A political subdivision, one purpose of which is
1-22 to supply fresh water for domestic or commercial use or to furnish
1-23 sanitary sewer services, roadways, or drainage, may not add land
1-24 that is located in the extraterritorial jurisdiction of a
1-25 municipality unless the governing body of the municipality gives
1-26 its written consent by ordinance or resolution in accordance with
1-27 this section and the Water Code. In giving its consent, the
1-28 municipality may not place any conditions or other restrictions on
1-29 the expansion of the political subdivision other than those
1-30 expressly permitted by Section 54.016(e), Water Code.

1-31 (b) The procedures under Section 42.042 governing a
1-32 municipality's refusal to consent to the creation of a political
1-33 subdivision apply to a municipality that refuses to consent to the
1-34 addition of land to a political subdivision under this section.

1-35 (c) An owner of land in the area proposed to be added to the
1-36 political subdivision may not unreasonably refuse to enter into a
1-37 contract for water or sanitary sewer services with the municipality
1-38 under Section 42.042(c).

1-39 (d) This section does not apply to a political subdivision
1-40 created by Chapter 289, Acts of the 73rd Legislature, Regular
1-41 Session, 1993.

1-42 SECTION 3. The heading to Subchapter B, Chapter 54, Water
1-43 Code, is amended to read as follows:

1-44 SUBCHAPTER B. CREATION OR EXPANSION OF DISTRICT; CONVERSION OF
1-45 DISTRICT

1-46 SECTION 4. Subchapter B, Chapter 54, Water Code, is amended
1-47 by adding Section 54.0165 to read as follows:

1-48 Sec. 54.0165. ADDITION TO DISTRICT OF LAND IN
1-49 EXTRATERRITORIAL JURISDICTION OF MUNICIPALITY. (a) A district may
1-50 not add land that is located in the extraterritorial jurisdiction
1-51 of a municipality unless the governing body of the municipality
1-52 gives its written consent by ordinance or resolution in accordance
1-53 with this subsection and Section 54.016. In giving its consent, the
1-54 municipality may not place any conditions or other restrictions on
1-55 the expansion of the political subdivision other than those
1-56 expressly permitted by Section 54.016(e).

1-57 (b) The procedures under Section 54.016 governing a
1-58 municipality's refusal to consent to the creation of a district
1-59 apply to a municipality that refuses to consent to the addition of
1-60 land to a district under this section.

1-61 (c) An owner of land in the area proposed to be added to the
1-62 district may not unreasonably refuse to enter into a contract for
1-63 water or sanitary sewer services with the municipality under
1-64 Section 54.016(c).

2-1 SECTION 5. The changes in law made by this Act apply only to
2-2 a political subdivision, including a municipal utility district,
2-3 that adds land on or after the effective date of this Act. A
2-4 political subdivision that adds land before the effective date of
2-5 this Act is governed by the law in effect on the date the land was
2-6 added, and the former law is continued in effect for that purpose.
2-7 SECTION 6. This Act takes effect immediately if it receives
2-8 a vote of two-thirds of all the members elected to each house, as
2-9 provided by Section 39, Article III, Texas Constitution. If this
2-10 Act does not receive the vote necessary for immediate effect, this
2-11 Act takes effect September 1, 2007.

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