

By: Puente

H.B. No. 3772

Substitute the following for H.B. No. 3772:

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C.S.H.B. No. 3772

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the provision of water service to an area of land on  
3 release of the land from a certificate of public convenience and  
4 necessity of a rural water supply corporation.

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

6 SECTION 1. Subchapter B, Chapter 54, Water Code, is amended  
7 by adding Section 54.017 to read as follows:

8 Sec. 54.017. CREATION ON RELEASE FROM ANOTHER ENTITY'S  
9 SERVICE AREA. (a) Except as provided by Subsection (c), a  
10 municipality shall provide water service to a land area:

11 (1) that is composed of one or more contiguous or  
12 noncontiguous parcels that together total at least 50 acres in  
13 size;

14 (2) that is within the corporate limits or the  
15 extraterritorial jurisdiction of the municipality; and

16 (3) for which, on or before the effective date of the  
17 Act enacting this section, the owner or owners of the land have  
18 entered into a written agreement with a rural water supply  
19 corporation to release the land from the service area of the  
20 corporation's certificate of public convenience and necessity.

21 (b) This section applies only to land served by a rural  
22 water supply corporation that has fewer than 5,000 water  
23 connections.

24 (c) If the municipality determines that it cannot meet the

1 current and projected demands for water service to the released  
2 land within the time specified by the land's owner or owners:

3 (1) the municipality shall notify the owner or owners  
4 of the land of that determination; and

5 (2) a district shall be formed in accordance with this  
6 section to provide water service to the land.

7 (d) To create the district, the owner or owners of the  
8 released land shall submit a petition to the commission that  
9 includes:

10 (1) a copy of the agreement described by Subsection  
11 (a)(3);

12 (2) a copy of the notice described by Subsection  
13 (c)(1); and

14 (3) the information required under Section 54.015.

15 (e) The time periods specified and the consent of the  
16 municipality or the consideration of any recommendation of the  
17 county otherwise required by this chapter do not apply to the  
18 creation of a district under this section.

19 (f) The commission shall expedite the creation of the  
20 district and shall approve the creation of the district not later  
21 than the 90th day after the date of receipt of an administratively  
22 complete petition to create the district.

23 (g) This section expires September 1, 2011.

24 SECTION 2. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2007.