

SENATE AMENDMENTS

2nd Printing

By: Truitt

H.B. No. 3378

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirements governing municipal consent to the
3 creation or expansion of certain water districts.

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

5 SECTION 1. Section 42.042(a), Local Government Code, is
6 amended to read as follows:

7 (a) A political subdivision, one purpose of which is to
8 supply fresh water for domestic or commercial use or to furnish
9 sanitary sewer services, roadways, or drainage, may not be created
10 in the extraterritorial jurisdiction of a municipality unless the
11 governing body of the municipality gives its written consent by
12 ordinance or resolution in accordance with this subsection and the
13 Water Code. In giving its consent, the municipality may not place
14 any conditions or other restrictions on the creation of the
15 political subdivision other than those expressly permitted by
16 Sections [Section] 54.016(e) and (i), Water Code.

17 SECTION 2. Section 54.016, Water Code, is amended by adding
18 Subsection (i) to read as follows:

19 (i) A city may provide in its written consent to the
20 inclusion of land in a district that a district water facility that
21 serves land developed and subdivided into lots of less than one acre
22 must meet the fire flow requirements to which the city is subject.

23 SECTION 3. The changes in law made by this Act apply only to
24 a political subdivision that adds land on or after the effective

1 date of this Act. A political subdivision that adds land before the
2 effective date of this Act is governed by the law in effect on the
3 date the land was added, and the former law is continued in effect
4 for that purpose.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2007.

ADOPTED

MAY 23 2007

Lotay Spaw
Secretary of the Senate

By: *Tim Bui*

H.B. No. 3378

Substitute the following for ___B. No. _____:

By: *Jackson*

C.S. ___B. No. _____

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AN ACT

relating to the requirements governing municipal consent to the creation or expansion of certain water districts.

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

SECTION 1. Section 42.042(a), Local Government Code, is amended to read as follows:

(a) A political subdivision, one purpose of which is to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, may not be created in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution in accordance with this subsection and the Water Code. In giving its consent, the municipality may not place any conditions or other restrictions on the creation of the political subdivision other than those expressly permitted by Sections [Section] 54.016(e) and (i), Water Code.

SECTION 2. Section 54.016, Water Code, is amended by adding Subsections (i) and (j) to read as follows:

(i) A city may provide in its written consent to the inclusion of land in a district that a district water facility that serves land developed and subdivided into lots of less than one acre must meet the fire flow requirements to which the city is subject.

(j) A city may supplement its written consent in settlement of a water rate dispute with a district, and the terms of the

1 supplement remain in effect after expiration of the written consent
2 unless the city and the district agree otherwise.

3 SECTION 3. (a) Section 54.016(i), Water Code, as added by
4 this Act, applies only to a political subdivision that adds land on
5 or after the effective date of this Act. A political subdivision
6 that adds land before the effective date of this Act is governed by
7 the law in effect on the date the land was added, and the former law
8 is continued in effect for that purpose.

9 (b) Section 54.016(j), Water Code, as added by this Act,
10 applies to a supplement to a municipality's consent to the
11 inclusion of land in a district in effect on or after the effective
12 date of this Act.

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, 2007.

ADOPTED

MAY 23 2007

FLOOR AMENDMENT NO. 1

Kathy Spaul
Secretary of the Senate

BY:

Jim Bumie

1 Amend C.S.H.B. No. 3378 (senate committee printing) in
2 SECTION 2 of the bill, in proposed Subsection (i), Section 54.016,
3 Water Code (page 1, line 27), between "(i)" and "A city", by
4 inserting "This subsection applies only to a city with a population
5 of 500,000 or more located in a county with a population of 1.4
6 million or more in which two or more cities or towns with a
7 population of 300,000 or more are predominately located."

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3378 by Truitt (Relating to the requirements governing municipal consent to the creation or expansion of certain water districts.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3378** by Truitt (Relating to the requirements governing municipal consent to the creation or expansion of certain water districts.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3378 by Truitt (Relating to the requirements governing municipal consent to the creation or expansion of certain water districts.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB