

House Bill 3378
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 Subsection (i) 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.

SENATE VERSION

Same as House version.

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

(i) This subsection applies only to a city with a population of 500,000 or more located in a county with a population of 1.4 million or more in which two or more cities or towns with a population of 300,000 or more are predominately located. 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 supplement remain in effect after expiration

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of the written consent unless the city and the district agree otherwise.

SECTION 3. The changes in law made by this Act apply only to a political subdivision that adds land on or after the effective date of this Act. A political subdivision that adds land before the effective date of this Act is governed by the law in effect on the date the land was added, and the former law is continued in effect for that purpose.

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

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

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

Same as House version.