By: Isaac   H.B. No. 3620

Substitute the following for H.B. No. 3620:

By: Price   C.S.H.B. No. 3620

A BILL TO BE ENTITLED

1   AN ACT

2 relating to changes in participation in public utility agencies.

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

4   SECTION 1. Section 572.051(1), Local Government Code, is

5 amended to read as follows:

6   (1) "Concurrent ordinance" means an ordinance or

7 resolution adopted under this subchapter by two or more public

8 entities [that relates to the creation or re-creation of a public

9 utility agency].

10   SECTION 2. Section 572.053, Local Government Code, is

11 amended to read as follows:

12   Sec. 572.053. CHANGES IN PUBLIC ENTITIES PARTICIPATING IN

13 [RE-CREATION OF] PUBLIC UTILITY AGENCY. The public entities that

14 participate in [create] a public utility agency may by concurrent

15 ordinances add [re-create the agency by adding or deleting, or

16 both,] a public entity to, or delete a public entity from,

17 participation in the public utility agency.

18   SECTION 3. Section 572.054, Local Government Code, is

19 amended by amending Subsections (a) and (c) and adding Subsection

20 (a-1) to read as follows:

21   (a) The governing body of each public entity that

22 participates in the creation of a public utility agency shall

23 publish notice of its intention to create the [a public utility]

24 agency in a newspaper of general circulation in the county in which

1 the entity is located [domiciled].

2 (a-1) The governing body of a public entity that proposes to

3 be added to an existing public utility agency shall publish notice

4 of its intention to be added to the agency in a newspaper of general

5 circulation in the county in which the entity is located.

6 (c) The notice must state:

7 (1) the date, time, and location at which the

8 governing body proposes to adopt the concurrent ordinance; and

9 (2) that a public utility agency will be created or a

10 public entity will be added to an agency on the date on which the

11 concurrent ordinances take effect, as applicable.

12 SECTION 4. Section 572.055, Local Government Code, is

13 amended to read as follows:

14 Sec. 572.055. CONTENTS OF CONCURRENT ORDINANCE. A

15 concurrent ordinance creating a public utility agency under Section

16 572.052 or changing the public entities participating in

17 [re-creating] an agency under Section 572.053 must, as adopted by

18 each public entity:

19 (1) contain identical provisions;

20 (2) define the boundaries of the agency to include the

21 territory within the boundaries of each participating public entity

22 as the boundaries are changed periodically;

23 (3) designate the name of the agency; and

24 (4) designate the number, place, initial term, and

25 manner of appointment of directors in accordance with Section

26 572.057.

27 SECTION 5. Section 572.056(a), Local Government Code, is

1 amended to read as follows:

2   (a) If, before the date set for the adoption of a concurrent

3 ordinance that creates a public utility agency or adds a public

4 entity to an agency, 10 percent of the registered voters of a public

5 entity required to publish notice of the creation or addition

6 present a petition to the governing body of the entity requesting

7 that a referendum be called, the ordinance may not take effect

8 unless a majority of the qualified voters of the entity voting in

9 the election have approved the ordinance.

10   SECTION 6. Sections 572.053, 572.054, 572.055, and 572.056,

11 Local Government Code, as amended by this Act, apply only to a

12 public entity that participates in a public utility agency created

13 or changed on or after the effective date of this Act.

14   SECTION 7. This Act takes effect immediately if it receives

15 a vote of two-thirds of all the members elected to each house, as

16 provided by Section 39, Article III, Texas Constitution. If this

17 Act does not receive the vote necessary for immediate effect, this

18 Act takes effect September 1, 2011.