

By: Isaac

H.B. No. 3620

A BILL TO BE ENTITLED

AN ACT

relating to changes in participation in public utility agencies.

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

SECTION 1. Section 572.051(1), Local Government Code, is amended to read as follows:

(1) "Concurrent ordinance" means an ordinance or resolution adopted under this subchapter by two or more public entities [~~that relates to the creation or re-creation of a public utility agency~~].

SECTION 2. Section 572.053, Local Government Code, is amended to read as follows:

Sec. 572.053. CHANGES IN PUBLIC ENTITIES PARTICIPATING IN [~~RE-CREATION OF~~] PUBLIC UTILITY AGENCY. The public entities that participate in [~~create~~] a public utility agency may by concurrent ordinances add [~~re-create the agency by adding or deleting, or both,~~] a public entity to, or delete a public entity from, participation in the public utility agency.

SECTION 3. Section 572.054(a), Local Government Code, is amended to read as follows:

(a) The governing body of each public entity shall publish notice of its intention to create or be added to a public utility agency in a newspaper of general circulation in the county in which the entity is domiciled.

SECTION 4. Section 572.055, Local Government Code, is

1 amended to read as follows:

2           Sec. 572.055. CONTENTS OF CONCURRENT ORDINANCE. A  
3 concurrent ordinance creating a public utility agency under Section  
4 572.052 or changing the public entities participating in  
5 ~~[re-creating]~~ an agency under Section 572.053 must, as adopted by  
6 each public entity:

7           (1) contain identical provisions;

8           (2) define the boundaries of the agency to include the  
9 territory within the boundaries of each participating public entity  
10 as the boundaries are changed periodically;

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

12           (4) designate the number, place, initial term, and  
13 manner of appointment of directors in accordance with Section  
14 572.057.

15           SECTION 5. Section 572.056(a), Local Government Code, is  
16 amended to read as follows:

17           (a) If, before the date set for the adoption of a concurrent  
18 ordinance that creates or adds a public entity to the public agency,  
19 10 percent of the registered voters of a public entity present a  
20 petition to the governing body of the entity requesting that a  
21 referendum be called, the ordinance may not take effect unless a  
22 majority of the qualified voters of the entity voting in the  
23 election have approved the ordinance.

24           SECTION 6. Sections 572.053, 572.054, 572.055, and 572.056,  
25 Local Government Code, as amended by this Act, apply only to a  
26 public entity that participates in a public utility agency created  
27 or changed on or after the effective date of this Act.

1           SECTION 7. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2011.