

By: Huberty

H.B. No. 207

A BILL TO BE ENTITLED

AN ACT

relating to voting by the qualified voters of a water or sewer district wholly or partly annexed by a municipality.

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

SECTION 1. Subchapter D, Chapter 43, Local Government Code, is amended by adding Section 43.0711 to read as follows:

Sec. 43.0711. RIGHT OF VOTER OF WATER OR SEWER DISTRICT TO VOTE IN CERTAIN MUNICIPAL ELECTIONS. (a) In this section, "water or sewer district":

(1) means:

(A) a district or authority created under Article III, Section 52, Subsections (b)(1) and (2), or under Article XVI, Section 59, of the Texas Constitution that provides or proposes to provide, as its principal function, water services or sewer services or both to household users; or

(B) a municipal utility district operating under Chapter 54, Water Code; and

(2) does not include a district or authority the primary function of which is the wholesale distribution of water.

(b) A qualified voter of a water or sewer district, any portion of which a municipality has annexed for full or limited purposes, is entitled to vote in municipal elections regarding the election or recall of members of the governing body of the municipality, the election or recall of the controller, if the

1 office of controller is an elective position of the municipality,
2 and the amendment of the municipal charter, regardless of whether
3 the municipality has annexed the entire district or whether the
4 voter resides in an annexed portion of the district. To the extent
5 of a conflict between this section and another provision of this
6 code or the Water Code, this section controls. This section does
7 not apply to:

8 (1) an area in the water or sewer district that is
9 outside of the annexing municipality's extraterritorial
10 jurisdiction; or

11 (2) an area in the water or sewer district that is in
12 the overlapping extraterritorial jurisdiction of two or more
13 municipalities.

14 SECTION 2. The change in law made by this Act applies to a
15 municipal election ordered on or after the effective date of this
16 Act. A municipal election ordered before the effective date of this
17 Act is governed by the law in effect when the election was ordered,
18 and the former law is continued in effect for that purpose.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect December 1, 2017.