

By: Harris of Williamson

H.B. No. 4493

A BILL TO BE ENTITLED

AN ACT

relating to the creation of political subdivisions in the extraterritorial jurisdiction of certain municipalities.

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

SECTION 1. Section 42.042, Local Government Code, is amended by amending Subsections (b) and (f) and adding Subsection (1) to read as follows:

(b) Except as provided by Subsection (1), if ~~if~~ the governing body fails or refuses to give its consent for the creation of the political subdivision, including a water district previously created by an act of the legislature, on mutually agreeable terms within 90 days after the date the governing body receives a written request for the consent, a majority of the qualified voters of the area of the proposed political subdivision and the owners of at least 50 percent of the land in the proposed political subdivision may petition the governing body to make available to the area the water, sanitary sewer services, or both that would be provided by the political subdivision.

(f) Except as provided by Subsection (1), if ~~if~~ the municipality fails or refuses to give its consent to the creation of the political subdivision, including a water district previously created by an act of the legislature, or fails or refuses to execute a contract providing for the water or sanitary sewer services requested within the time limits prescribed by this section, the

1 applicant may petition the Texas Commission on Environmental  
2 Quality for the creation of the political subdivision or the  
3 inclusion of the land in a political subdivision. The commission  
4 shall allow creation or confirmation of the creation of the  
5 political subdivision or inclusion of the land in a proposed  
6 political subdivision on finding that the municipality either does  
7 not have the reasonable ability to serve or has failed to make a  
8 legally binding commitment with sufficient funds available to  
9 provide water and wastewater service adequate to serve the proposed  
10 development at a reasonable cost to the landowner. The commitment  
11 must provide that construction of the facilities necessary to serve  
12 the land will begin within two years and will be substantially  
13 completed within 4-1/2 years after the date the petition was filed  
14 with the municipality.

15 (1) A municipality with a population of more than 16,260 and  
16 less than 16,660 may refuse to give consent to the creation of the  
17 political subdivision within the extraterritorial jurisdiction of  
18 the municipality if the political subdivision would be located  
19 within one mile of a semiconductor manufacturing facility.  
20 Subsections (b), (c), and (f) do not apply to the refusal to give  
21 consent under this subsection.

22 SECTION 2. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2023.