

1 AN ACT

2 relating to municipal consent to the addition to a political
3 subdivision of land located in the extraterritorial jurisdiction of
4 the municipality.

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

6 SECTION 1. The heading to Subchapter C, Chapter 42, Local
7 Government Code, is amended to read as follows:

8 SUBCHAPTER C. CREATION OR EXPANSION OF GOVERNMENTAL ENTITIES IN
9 EXTRATERRITORIAL JURISDICTION

10 SECTION 2. Subchapter C, Chapter 42, Local Government Code,
11 is amended by adding Section 42.0425 to read as follows:

12 Sec. 42.0425. ADDITION OF LAND IN EXTRATERRITORIAL
13 JURISDICTION OF MUNICIPALITY TO CERTAIN POLITICAL
14 SUBDIVISIONS. (a) A political subdivision, one purpose of which is
15 to supply fresh water for domestic or commercial use or to furnish
16 sanitary sewer services, roadways, or drainage, may not add land
17 that is located in the extraterritorial jurisdiction of a
18 municipality unless the governing body of the municipality gives
19 its written consent by ordinance or resolution in accordance with
20 this section and the Water Code. In giving its consent, the
21 municipality may not place any conditions or other restrictions on
22 the expansion of the political subdivision other than those
23 expressly permitted by Section 54.016(e), Water Code.

24 (b) The procedures under Section 42.042 governing a

1 municipality's refusal to consent to the creation of a political
2 subdivision apply to a municipality that refuses to consent to the
3 addition of land to a political subdivision under this section.

4 (c) An owner of land in the area proposed to be added to the
5 political subdivision may not unreasonably refuse to enter into a
6 contract for water or sanitary sewer services with the municipality
7 under Section 42.042(c).

8 (d) This section does not apply to a political subdivision
9 created by Chapter 289, Acts of the 73rd Legislature, Regular
10 Session, 1993.

11 SECTION 3. The heading to Subchapter B, Chapter 54, Water
12 Code, is amended to read as follows:

13 SUBCHAPTER B. CREATION OR EXPANSION OF DISTRICT; CONVERSION OF
14 DISTRICT

15 SECTION 4. Subchapter B, Chapter 54, Water Code, is amended
16 by adding Section 54.0165 to read as follows:

17 Sec. 54.0165. ADDITION TO DISTRICT OF LAND IN
18 EXTRATERRITORIAL JURISDICTION OF MUNICIPALITY. (a) A district may
19 not add land that is located in the extraterritorial jurisdiction
20 of a municipality unless the governing body of the municipality
21 gives its written consent by ordinance or resolution in accordance
22 with this subsection and Section 54.016. In giving its consent, the
23 municipality may not place any conditions or other restrictions on
24 the expansion of the political subdivision other than those
25 expressly permitted by Section 54.016(e).

26 (b) The procedures under Section 54.016 governing a
27 municipality's refusal to consent to the creation of a district

1 apply to a municipality that refuses to consent to the addition of
2 land to a district under this section.

3 (c) An owner of land in the area proposed to be added to the
4 district may not unreasonably refuse to enter into a contract for
5 water or sanitary sewer services with the municipality under
6 Section 54.016(c).

7 SECTION 5. The changes in law made by this Act apply only to
8 a political subdivision, including a municipal utility district,
9 that adds land on or after the effective date of this Act. A
10 political subdivision that adds land before the effective date of
11 this Act is governed by the law in effect on the date the land was
12 added, and the former law is continued in effect for that purpose.

13 SECTION 6. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2007.

David Dewhurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 2091 was passed by the House on May 10, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 2091 was passed by the Senate on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Daisy Saw
Secretary of the Senate

APPROVED: 15 JUN 07

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

5 PM O'CLOCK

JUN 15 2007

Roger Winnie
Secretary of State