

BILL ANALYSIS

Senate Research Center
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S.B. 1225
By: Shapiro
Natural Resources
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As Filed

DIGEST

Currently, Texas law contains procedures for the notice and consent of cities during the creation of water districts. However, certain districts have attempted to evade the notice and consent requirements by exercising authority for annexation in an unlawful manner. In some instances, water districts have attempted to annex land within the corporate limits of a home rule city, thus creating a conflict with the jurisdiction and power of self government that is granted to a city. S.B. 1225 provides that no district or political subdivision shall be created within the corporate city limits.

PURPOSE

As proposed, S.B. 1225 regulates the creation of water districts or political subdivisions and the annexation of land by a water district or political subdivision.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 49B, Water Code, by adding Section 49.012, as follows:

Sec. 49.012. CONSENT OF CITY. Provides that no land within the corporate limits of a city shall be included in a water district (district) without the written consent, by ordinance or resolution, of the city. Requires the provisions of this section to apply whether the land is proposed to be included in the district at the time of creation of a district or to be included by annexation to a district, notwithstanding any other provision provided by law.

SECTION 2. Amends Section 49.301(a), Water Code, to provide that no land within the corporate limits of the city shall be annexed by a district unless the city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district. Provides that no land within the extraterritorial jurisdiction of a city shall be annexed by a district except in accordance with Section 42.042, Local Government Code.

SECTION 3. Amends Section 49.302(a), Water Code, to make a conforming change.

SECTION 4. Amends Sections 42.042(a), (b), (c), (d), and (f), Local Government Code, to require the provisions of this section to apply whether the land is proposed to be included in the political subdivision at the time of creation of the political subdivision or to be included by annexation to a political subdivision or to be included by annexation to a political subdivision; provided, however, this section shall not apply to an annexation by a political subdivision that is lawfully within the extraterritorial jurisdiction of the municipality as of January 1, 1999. Authorizes certain persons to petition the governing body to make available certain services, if the governing body fails or refuses to give its consent for the inclusion of the land in a political subdivision on mutually agreeable terms within a certain date. Provides that the consent to the creation of the political subdivision or the inclusion of the land in a political subdivision is only an authorization to initiate proceedings to create the political subdivision or include land in a political subdivision as provided by law. Deletes text regarding a proposed political subdivision. Makes conforming changes.

SECTION 5. Emergency clause.
Effective date: upon passage.