

## CHAPTER 773

H.B. No. 2740

## AN ACT

relating to the service area for operation of a municipal drainage system and collection of drainage charges.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 402.044(8), Local Government Code, is amended to read as follows:

(8) "Service area" means the municipal boundaries and any other land areas outside the municipal boundaries which, as a result of topography or hydraulics, contribute overland flow into the watersheds served by the drainage system of a municipality; provided, however, that in no event may a service area extend farther than the boundaries of a municipality's current extraterritorial jurisdiction, nor, *except as provided by Section 402.0451*, may a service area of one municipality extend into the boundaries of another incorporated town, city, or municipality. The service area is to be established in the ordinance establishing the drainage utility. Provided, that no municipality shall extend a service area outside of its municipal boundaries except a municipality of more than 400,000 population located in one or more counties of less than 600,000 population according to the most recent federal census *or except as provided by Section 402.0451*.

SECTION 2. Subchapter C, Chapter 402, Local Government Code, is amended by adding Section 402.0451 to read as follows:

*Sec. 402.0451. EXTENSION OF SERVICE AREA BY CERTAIN MUNICIPALITIES.*

(a) *A municipality with a population of more than 900,000 located in one or more counties with a population of less than 1.5 million as of the 1990 federal census may extend its service area:*

(1) *into the boundaries of another municipality if:*

(A) *before the extension water from the municipality to which the service area is to be extended regularly drains into the drainage system of the municipality extending its service area; and*

(B) *the extension is provided for by an interlocal agreement between the municipalities; or*

(2) *beyond its municipal boundaries into an unincorporated area of its extraterritorial jurisdiction if:*

(A) *before the extension water from the area to which the service area is to be extended regularly drains into the drainage system of the municipality extending its service area; and*

(B) *the extension is provided for by an interlocal agreement between the municipality extending its service area and the county containing the area to which the service area is to be extended.*

(b) *An interlocal agreement under Subsection (a) may:*

(1) *contain provisions necessary for the operation of a drainage system within the area to which the service area is extended; and*

(2) *provide for charges for treatment of drainage water and methods of assessment of the charges to an owner of a lot or tract of benefitted property in the area to which the service area is extended.*

(c) *Charges and methods of assessment agreed to under Subsection (b)(2) must comply with Section 402.047.*

SECTION 3. Section 402.053(c), Local Government Code, is amended to read as follows:

(c) The following shall be exempt from the provisions of any rules or ordinances adopted by a municipality pursuant to this Act:

(1) property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;

(2) property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the municipality *in which the property is located* for maintenance; and

(3) a subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the municipality *in which the property is located* [~~having jurisdiction to adopt this subchapter and declare the drainage of the municipality to be a public utility~~].

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1993, by a non-record vote; the House refused to concur in Senate amendments on May 27, 1993, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on May 29, 1993: Yeas 124, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 22, 1993: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on May 29, 1993: Yeas 31, Nays 0.

Approved June 18, 1993.

Effective June 18, 1993.