

## CHAPTER 97

## S.B. No. 1018

## AN ACT

relating to the authority of the boards of directors of certain water control and improvement districts to remove the district from the extraterritorial jurisdiction of a home-rule municipality and place the district in the extraterritorial jurisdiction of another home-rule municipality.

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

SECTION 1. Chapter 51, Water Code, is amended by adding Subchapter R to read as follows:

**SUBCHAPTER R. OPTION TO EXCHANGE MUNICIPAL JURISDICTION**

**Sec. 51.871. DEFINITIONS.** *In this subchapter:*

(1) *“Dissociated municipality” means a home-rule municipality from whose extraterritorial jurisdiction a district is transferred under this subchapter.*

(2) *“Associated municipality” means a home-rule municipality into whose extraterritorial jurisdiction a district is transferred under this subchapter.*

(3) *“Home-rule municipality” has the meaning assigned by Section 5.004, Local Government Code.*

**Sec. 51.872. AUTHORITY TO TRANSFER DISTRICT BETWEEN MUNICIPALITIES' EXTRATERRITORIAL JURISDICTION.** *The board of directors of a district by order may transfer the district from the extraterritorial jurisdiction of a municipality to the extraterritorial jurisdiction of another municipality if the board finds that:*

(1) *as of January 1, 1993, the municipality that has extraterritorial jurisdiction over the district excluded the district from the service area of the municipality's municipally owned water or sewer utility system;*

(2) *the other municipality has included or agreed to include the district within the service area of the municipality's municipally owned water or sewer utility system, and the municipality has adopted a water or sewer utility service plan agreeable to the board; and*

(3) the municipally owned water or sewer utility system of the other municipality has agreed to provide the service to the district within one year.

Sec. 51.873. **APPLICABILITY.** This subchapter applies only to a district that:

- (1) has a contiguous area of more than 1,000 acres;
- (2) is within the jurisdiction of two or more counties;
- (3) is within the jurisdiction of two river authorities, one of which has issued an interbasin transfer permit to the associated municipality;
- (4) has not yet constructed any facilities or borrowed any money;
- (5) is in the extraterritorial jurisdiction of the dissociated municipality and that municipality is located principally in one of the two counties in which the district is located;
- (6) is adjacent to the municipal boundary or the area subject to the extraterritorial jurisdiction of the associated municipality and that municipality is located principally in the other of the two counties in which the district is located; and
- (7) is subject to special storm water runoff or nonpoint source pollution rules of at least one of the two river authorities.

Sec. 51.874. **EFFECT OF TRANSFER.** On and after the effective date of the board's order under Section 51.872 of this chapter, the district:

- (1) is subject to a municipal ordinance that applies to the extraterritorial jurisdiction of the associated municipality; and
- (2) is not subject to a municipal ordinance that applies to the extraterritorial jurisdiction of the dissociated municipality.

Sec. 51.875. **SUBCHAPTER SUPERSEDES.** To the extent of any conflict, this subchapter controls over any other law related to the creation, application, or operation of the extraterritorial jurisdiction of a municipality.

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. 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.

Passed the Senate on April 6, 1993, by a viva-voce vote; passed the House on April 20, 1993, by a non-record vote.

Filed without signature May 7, 1993.

Effective Sept. 1, 1993.