

## **BILL ANALYSIS**

Senate Research Center  
81R8344 ATP-F

S.B. 2053  
By: Williams  
Intergovernmental Relations  
4/13/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Woodlands Township desires to include certain new areas within the boundaries of the existing regional participation agreements with the City of Houston and add the City of Oak Ridge North to the municipalities, but is unable to do so under the current agreement. The Woodlands Township also desires to ensure title to real property and create a limited waiver of sovereign immunity in order to make the regional participation agreement readily enforceable.

Current law prevents the expansion of the area without a change in law, does not require that territory be excluded from the extraterritorial jurisdiction of a municipality, and provides a limited waiver of sovereign immunity.

S.B. 2053 only applies to the Woodlands Township and slightly modifies the agreement that was made during the 80th Legislature, Regular Session, 2007, between the Woodlands Township and the City of Houston.

As proposed, S.B. 2053 amends Section 43.0754, Local Government Code, to allow a municipality whose boundaries are contiguous to a special district existing over the area of a planned community with a population of more than 50,000 persons and 20 square miles to enter into a regional participation agreement with that district by slightly expanding the area to which the agreement can be made. The bill also requires that any territory to be excluded from the extraterritorial jurisdiction of an eligible municipality be described in sufficient detail to convey title to real property. The bill provides for a limited waiver of sovereign immunity by governmental parties to a regional participation agreement in order to make such agreements readily enforceable.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 43.0754, Local Government Code, by amending Subsections (c), (g), (h), (i), and (m) and adding Subsection (q), as follows:

(c) Authorizes a regional participation agreement to provide or allow for the release of the territory rather than the release of all or part of the territory of a district, from the extraterritorial jurisdiction of an eligible municipality that is a party at a specified time or upon the occurrence of specified events.

(g) Provides that a regional participation agreement is not required to describe the land contained within the boundaries of a party to the agreement, rather than a district that is a party to the agreement.

(h) Provides that a regional participation agreement binds each party and its legal successor, including a municipality or other form of local government, to the agreement for the term specified in the agreement and each owner and future owner of land that is subject to the agreement during any annexation deferral period established in the agreement.

(i) Prohibits a regional participation agreement from requiring a party, rather than a district, to make payments from any funds that are restricted, encumbered, or pledged for the payment of contractual obligations or indebtedness of the party, rather than the district.

(m) Makes a conforming change.

(q) Provides that governmental immunity from suit of a party to a regional participation agreement is waived for the limited purpose of a cause of action brought by a party based on or arising out of a regional participation agreement.

SECTION 2. Makes application of Section 43.0754(q), Local Government Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2009.