

## **BILL ANALYSIS**

Senate Research Center  
78R1071 RCJ-F

S.B. 414  
By: Madla  
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As Filed

### **DIGEST AND PURPOSE**

Currently a county judge or commissioners court is required to set an immediate time and place for a hearing relating to certain procedures for consideration of a petition for the creation of a fresh water supply district. As proposed, S.B. 414 would authorize a county judge or commissioners court to consider the feasibility, necessity, and benefit of a proposed fresh water supply district when making a decision to grant or refuse to grant such a district's creation. Additionally, it outlines the process by which a commissioners court is required to conduct a hearing on a proposed district.

### **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 53.016, Water Code, to delete the word "immediately" from existing text regarding the requirement of a commissioners court or county judge to set a time and place for a hearing on the petition by the commissioners court for the creation of a fresh water supply district.

SECTION 2. Amends Section 53.019(a), Water Code, to authorize any person, at the hearing on the petition, whose land is included in or would be affected by the creation of the district to appear and contest the creation of the district and to offer testimony to show that the district is or is not necessary, would or would not be a public utility or benefit to land in the district and would or would not be feasible or practicable. Deletes existing text regarding the commissioners court's jurisdiction to determine issues pertaining to the sufficiency of the petition.

SECTION 3. Amends Chapter 53B, Water Code, by adding Section 53.0195, as follows:

Sec. 53.0195. GRANTING OR REFUSING PETITION. (a) Requires the commissioners court to grant the petition requesting the creation of a district if it appears at the hearing that certain criteria are met.

(b) Requires the commissioners court, if it fails to make the findings required by Subsection (a), to refuse to grant the petition.

(c) Authorizes the commissioners court, if it finds that any of the land sought to be included in the proposed district will not be benefited by inclusion in the district, to exclude those lands not to be benefited and requires the commissioners court to redefine the boundaries of the proposed district to include only the land that will receive benefits from the district.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2003.