

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 542  
By: Lindsay  
Natural Resources  
3/12/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, there is no specific authorization for a water district to de-annex property in the event that it does not have enough capacity for development, and the taxpayers of the district do not want to undertake a new bond issue to add improvements. The last few landowners are left with land that cannot be used without access to utilities and have no alternative method to obtain utilities. C.S.S.B. 542 directs a district that does not wish to provide utilities for development of land in its district to de-annex land upon application by the landowner.

### **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 Chapter 49J, Water Code, by adding Section 49.3075, as follows:

Sec. 49.3075. EXCLUSION FOR FAILURE TO PROVIDE SUFFICIENT SERVICES.

(a) Requires the governing body of the district (board) to call a hearing on the exclusion of land from a district on a written petition filed with the secretary of the board by a landowner whose land has been included in and taxable by the district for more than 20 years if any bonds issued by the district payable in whole or in part from taxes of the district are no longer outstanding and the petition includes or describes certain entities.

(b) Requires the board to hold the hearing at the earliest practicable time after receipt of the petition.

(c) Requires the board, unless the district presents evidence at the hearing that conclusively demonstrates that the requirements and grounds for exclusion described by Subsection (a) have not been met, to enter an order excluding the land from the district and to redefine in the order the boundaries of the district to embrace all land not excluded.

(d) Requires a copy of an order excluding land and redefining boundaries of the district to be filed in the deed records of the county or counties in which the district is located.

(e) Provides that this section does not apply to irrigation districts governed by the Water Code, Chapter 58.

SECTION 2. Effective date: upon passage or September 1, 2003.

### **SUMMARY OF COMMITTEE CHANGES**

Differs from original in SECTION 1 by adding new Subsection (e) to Section 49.3075, Water Code.