

By: Howard

H.B. No. 1072

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to exclusion of land from certain water districts for  
3 failure to provide facilities and services.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter J, Chapter 49, Water Code, is amended  
6 by adding Section 49.3075 to read as follows:

7 Sec. 49.3075. EXCLUSION FOR FAILURE TO PROVIDE SUFFICIENT  
8 SERVICES. (a) The board shall call a hearing on the exclusion of  
9 land from a district on a written petition filed with the secretary  
10 of the board by a landowner whose land has been included in and  
11 taxable by the district for more than 20 years if any bonds issued  
12 by the district payable in whole or in part from taxes of the  
13 district are no longer outstanding and the petition:

14 (1) includes a signed petition evidencing the consent  
15 of the owners of a majority of the acreage proposed to be excluded,  
16 as reflected by the most recent certified tax roll of the district;

17 (2) includes a claim that the district has not met the  
18 landowner's proposals and requests for facilities and services  
19 sufficient to service the land at full development; and

20 (3) describes the property to be excluded.

21 (b) The board shall hold the hearing at the earliest  
22 practicable time after receipt of the petition.

23 (c) Unless the district presents evidence at the hearing  
24 that conclusively demonstrates that the requirements and grounds

1 for exclusion described by Subsection (a) have not been met, the  
2 board shall enter an order excluding the land from the district and  
3 shall redefine in the order the boundaries of the district to  
4 embrace all land not excluded.

5 (d) A copy of an order excluding land and redefining  
6 boundaries of the district shall be filed in the deed records of the  
7 county or counties in which the district is located.

8 SECTION 2. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2003.