By: Brown of Kaufman   H.B. No. 1990

A BILL TO BE ENTITLED

1   AN ACT

2   relating to annexation of territory by certain water districts and

3   subsequent division of the districts.

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

5   SECTION 1. Section 51.714, Water Code, is amended to read as

6   follows:

7   Sec. 51.714. ADDING LAND BY PETITION OF LANDOWNER. (a) The

8   owner of land may file with the board a petition requesting that the

9   land described by metes and bounds in the petition be included in

10   the district.   Notwithstanding any municipal ordinance,

11   resolution, or any other statute to the contrary, a municipality

12   may not require the annexing district or the landowner who is

13   requesting annexation to obtain the municipality's consent to the

14   district's annexation of the additional land if, at the time the

15   petition is filed, the land to be annexed is contiguous to the

16   district and at any time within the preceding 12 months was not

17   located within an area designated by ordinance or resolution of the

18   municipality's governing body as the municipality's water and sewer

19   service area or corporate limits, and the district has not

20   previously issued any bonded indebtedness. The land shall be

21   deemed to be contiguous to the district if it is separated from the

22   district by public land or right of way. A district may not

23   increase its total land area by more than 100 percent in any one

24   calendar year. A municipality's consent shall not be required for

1 the inclusion or annexation of irrigable land within the boundaries

2 of a district primarily engaged in providing irrigation service to

3 lands within its boundaries.

4   (b) Notwithstanding Subsection (a), a district annexing

5 land under this section must comply with Section 51.7141, and to the

6 extent of any conflict with that section, Section 51.7141 prevails.

7   SECTION 2. Subchapter O, Chapter 51, Water Code, is amended

8 by adding Section 51.7141 to read as follows:

9   Sec. 51.7141. LIMITATION ON ANNEXATION. (a) A district may

10 annex only land the boundary of which is one mile or less from the

11 boundary of the district.

12   (b) If part or all of the land to be annexed under Subsection

13 (a) is within the extraterritorial jurisdiction of a municipality,

14 the district must obtain the written approval of the governing body

15 of the municipality to annex the land.

16   (c) If part or all of the land to be annexed under Subsection

17 (a) is in another county, the district must obtain the written

18 approval of the commissioners court of that county to annex the

19 land.

20   SECTION 3. Section 51.748(a), Water Code, is amended to

21 read as follows:

22   (a) Except as provided by Section 51.7481, an [An] original

23 district heretofore created and governed by the provisions of this

24 chapter (an "original district") that does not have any outstanding

25 indebtedness secured by the taxes or net revenues of an original

26 district may divide into two or more districts as provided by

27 Sections 51.749 through 51.758 of this code; provided, however, no

1 division shall occur that would result in the creation of a district

2 of less than 100 acres in size. Upon petition of any landowner or

3 upon the board's own motion, the board may consider a proposal to

4 divide the original district.

5   SECTION 4. Subchapter O, Chapter 51, Water Code, is amended

6 by adding Section 51.7481 to read as follows:

7   Sec. 51.7481. PREREQUISITES TO DIVISION OF DISTRICT. (a)

8 Before a district may hold an election under this subchapter to

9 divide into two separate districts, the district must obtain

10 written approval for the division as provided by Subsection (b),

11 (c), or (d).

12   (b) If the commissioners court of the county in which the

13 district was created granted the petition to create the district

14 under Section 51.021, Water Code, or a predecessor statute, the

15 district shall obtain the approval of the commissioners court.

16   (c) If the commission or a predecessor agency ordered the

17 creation of the district under Section 51.027, Water Code, or a

18 predecessor statute, the district shall obtain the approval of the

19 commission.

20   (d) If the legislature created the district under Section

21 52(b), Article III, or Section 59, Article XVI, Texas Constitution,

22 the district shall obtain the approval of the commission.

23   (e) If the division into two districts will result in a new

24 district located partly or wholly in a county other than the county

25 of the original district, and the original district was created on

26 the approval only of the commissioners court in the original

27 county, the original district must obtain the written approval of

1 the commissioners court in the added county of the proposed new

2 district before the district may hold an election to divide under

3 this subchapter.

4   SECTION 5. Section 53.029(b), Water Code, is amended to

5 read as follows:

6   (b) Except as provided by Section 53.0291, a [A] district

7 covered by this section may be divided into two new districts if it

8 has no outstanding bonded debt and is not levying ad valorem taxes.

9 The division procedure is prescribed by Sections 53.030 to 53.041

10 of this code.

11   SECTION 6. Subchapter B, Chapter 53, Water Code, is amended

12 by adding Section 53.0291 to read as follows:

13   Sec. 53.0291. PREREQUISITES TO DIVISION OF DISTRICT. (a)

14 Before a district may hold an election under this subchapter to

15 divide into two separate districts, the district must obtain

16 written approval for the division as provided by Subsection (b) or

17 (c).

18   (b) If the commissioners court of the county in which the

19 district was created approved the petition to create the district

20 under this subchapter or under predecessor statutes, the district

21 shall obtain the approval of the commissioners court.

22   (c) If the legislature created the district under Section

23 59, Article XVI, Texas Constitution, the district shall obtain the

24 approval of the commission.

25   (d) If the division into two districts will result in a new

26 district located partly or wholly in a county other than the county

27 of the original district, and the original district was created on

1 the approval only of the commissioners court in the original

2 county, the original district must obtain the written approval of

3 the commissioners court in the added county of the proposed new

4 district before the district may hold an election to divide under

5 this subchapter.

6   SECTION 7. Subchapter D, Chapter 53, Water Code, is amended

7 by adding Section 53.1041 to read as follows:

8   Sec. 53.1041. LIMITATION ON ANNEXATION. (a) A district may

9 annex only land the boundary of which is one mile or less from the

10 boundary of the district.

11   (b) If part or all of the land to be annexed under Subsection

12 (a) is within the extraterritorial jurisdiction of a municipality,

13 the district must obtain the written approval of the governing body

14 of the municipality to annex the land.

15   (c) If part or all of the land to be annexed under Subsection

16 (a) is in another county, the district must obtain the written

17 approval of the commissioners court of that county to annex the

18 land.

19   SECTION 8. (a) Sections 51.7141 and 53.1041, Water Code, as

20 added by this Act, apply only to an annexation of land for which the

21 petition requesting annexation is submitted on or after the

22 effective date of this Act.

23   (b) Sections 51.7481 and 53.0291, Water Code, as added by

24 this Act, apply only to the proposed division of a water control and

25 improvement district or a fresh water supply district, as

26 applicable, for which the election to confirm division of the

27 district is scheduled to be held on a date 30 days or more after the

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1 effective date of this Act.

2   SECTION 9. This Act takes effect immediately if it receives

3 a vote of two-thirds of all the members elected to each house, as

4 provided by Section 39, Article III, Texas Constitution. If this

5 Act does not receive the vote necessary for immediate effect, this

6 Act takes effect September 1, 2003.