

By: Flores

H.B. No. 3510

A BILL TO BE ENTITLED

AN ACT

relating to the abolition of certain water control and improvement districts.

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

SECTION 1. Subchapter D, Chapter 43, Local Government Code, is amended by adding Section 43.0741 to read as follows:

Sec. 43.0741. Abolition of District Municipality Receiving 80% of District's Diverted Raw Water (a) This section applies to:

(1) water control and improvement district:

(A) located partially or wholly a municipality as a result of annexation or incorporation;

(B) with raw water deliveries to a municipality constituting at least eighty percent (80%) of the total water diverted by such district in any one twelve month period, if such diverted water is designated for municipal use;

(C) with no outstanding bonded indebtedness; and

(D) that diverts raw water from the Rio Grande.

(2) A municipality:

(A) on whose behalf the raw water is diverted by a district described in subsection (a)(1); and

(B) the governing body of which adopts, by a vote of at least two-third of its entire membership, an ordinance abolishing the district, if the governing body finds:

(i) that at least eighty percent (80%) of

1 the raw water diverted by the district in any preceding twelve (12)
2 calendar month period was for municipal use by the municipality;

3 (ii) that the district has no outstanding
4 bonded indebtedness;

5 (iii) that the services furnished and
6 functions performed by the district can be furnished and performed
7 by the municipality; and

8 (iv) that the abolition of the district is
9 in the best interests of the residents and property of the
10 municipality and the district.

11 (b) If before the effective date of the ordinance or if
12 within 30 days after the effective date or the date of the
13 publication of the ordinance, a petition that is signed and
14 verified by a number of qualified voters of the municipality equal
15 to at least 10 percent of the total votes cast at the most recent
16 election for municipal officers is filed with the secretary of the
17 municipality protesting the enactment or enforcement of the
18 ordinance, the secretary shall present the petition to the
19 governing body at its next scheduled meeting. Upon verification of
20 the signatures by the secretary and presentation of the petition to
21 the governing body, the ordinance is suspended and no action shall
22 be taken by the municipality under the ordinance. The governing
23 body shall reconsider the ordinance at its next available meeting.
24 If the governing body does not repeal the ordinance, the governing
25 body shall submit it to a popular vote at the next municipal
26 election or at a special election the governing body may order for
27 that purpose. The ordinance does not take effect unless a majority

1 of the votes received in the election favor the ordinance.

2 (C) Upon the expiration of thirty (30) days after the
3 effective date or thirty (30) days after the publication of the
4 ordinance, whichever is later, if no valid petition is received as
5 set forth in paragraph (b) above, or upon a majority vote favoring
6 the ordinance in the election held for that purpose, the ordinance
7 shall immediately take effect, and the district is abolished, the
8 property and other assets of the district vest in the municipality,
9 and the municipality assumes and becomes responsible for operation
10 of the facilities for the benefit of the district's existing
11 customers. The municipality shall perform the services and other
12 functions that were performed by the district.

13 (D) A district that is abolished hereunder shall provide its
14 management and operational records to the municipality in order to
15 ensure the orderly transfer of management and operational
16 responsibility to the municipality.

17 SECTION 3. This Act takes effect September 1, 2003.