

By: Madla

S.B. No. 414

A BILL TO BE ENTITLED

AN ACT

relating to certain procedures for consideration of a petition for the creation of a fresh water supply district.

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

SECTION 1. Section 53.016, Water Code, is amended to read as follows:

Sec. 53.016. TIME AND PLACE OF HEARING. The commissioners court or county judge shall [~~immediately~~] set a time and place for a hearing on the petition by the commissioners court. The hearing must be held during the period beginning on the 15th day and ending with the 30th day after the day the petition is presented.

SECTION 2. Section 53.019(a), Water Code, is amended to read as follows:

(a) At the hearing on the petition, any person whose land is included in or would be affected by the creation of the district may appear and contest the creation of the district and may offer testimony to show that the district:

(1) is or is not necessary;

(2) would or would not be a public utility or benefit to land in the district; and

(3) would or would not be feasible or practicable.

~~[The commissioners court shall have jurisdiction to determine all issues pertaining to the sufficiency of the petition and shall allow any interested person to appear before it in person or by~~

1 ~~attorney to offer testimony relative to the sufficiency of the~~
2 ~~petition.]~~

3 SECTION 3. Subchapter B, Chapter 53, Water Code, is amended
4 by adding Section 53.0195 to read as follows:

5 Sec. 53.0195. GRANTING OR REFUSING PETITION. (a) The
6 commissioners court shall grant the petition requesting the
7 creation of a district if it appears at the hearing that:

8 (1) organization of the district as requested is
9 feasible and practicable;

10 (2) the land to be included and the residents of the
11 proposed district will be benefited by the creation of the
12 district;

13 (3) there is a public necessity or need for the
14 district; and

15 (4) the creation of the district would further the
16 public welfare.

17 (b) If the commissioners court fails to make the findings
18 required by Subsection (a), it shall refuse to grant the petition.

19 (c) If the commissioners court finds that any of the land
20 sought to be included in the proposed district will not be benefited
21 by inclusion in the district, it may exclude those lands not to be
22 benefited and shall redefine the boundaries of the proposed
23 district to include only the land that will receive benefits from
24 the district.

25 SECTION 4. This Act applies only to a hearing for which
26 notice is given on or after the effective date of this Act. A
27 hearing for which notice is given before the effective date of this

1 Act is governed by the law applicable to the hearing immediately
2 before the effective date of this Act, and that law is continued in
3 effect for that purpose.

4 SECTION 5. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2003.