

By: Madla

S.B. No. 531

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the procedure for dividing water control and
3 improvement districts and freshwater supply districts.

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

5 SECTION 1. The heading to Section 51.749, Water Code, is
6 amended to read as follows:

7 Sec. 51.749. APPROVAL OF [~~ELECTION TO APPROVE~~] DIVISION.

8 SECTION 2. Section 51.749(a), Water Code, is amended to
9 read as follows:

10 (a) After the board of the original district has agreed on
11 the terms and conditions of division, which shall include a plan for
12 the payment of any outstanding current obligations and performance
13 of any outstanding obligations of the original district, and has
14 prepared a metes and bounds description of the proposed districts,
15 the board shall submit a proposal for division to the entity that
16 issued the order creating the district for approval. If the
17 district was created by an act of the legislature, the board shall
18 submit a proposal for division to the commission.

19 (a-1) If the entity that issued the order creating the
20 district or the commission approves the division of the district,
21 the board [it] shall order an election to be held in the district to
22 determine whether the original district should be divided as
23 proposed.

24 SECTION 3. Section 53.029(b), Water Code, is amended to

1 read as follows:

2 (b) A district covered by this section may be divided into
3 two new districts if:

4 (1) it has no outstanding bonded debt; ~~[and]~~

5 (2) it is not levying ad valorem taxes; and

6 (3) the division is approved by the entity that issued
7 the order creating the district or, if the district was created by
8 an act of the legislature, by the Texas Commission on Environmental
9 Quality.

10 (b-1) The division procedure is prescribed by Sections
11 53.030 to 53.041 of this code.

12 SECTION 4. This Act takes effect September 1, 2003, and
13 applies only to the division of a water control and improvement
14 district or freshwater supply district for which a landowner files
15 a petition for division or the board moves to consider a proposal
16 for division on or after that date. The division of a district for
17 which a landowner files a petition for division or the board moves
18 to consider a proposal for division before the effective date of
19 this Act is governed by the law in effect at that time, and that law
20 is continued in effect for that purpose.