

By: Lindsay

S.B. No. 542

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(3) describes the property to be excluded.

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

(c) Unless the district presents evidence at the hearing 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 (e) This section does not apply to irrigation districts
9 governed by Chapter 58.

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