

1-1 By: Lindsay S.B. No. 542  
1-2 (In the Senate - Filed February 18, 2003; February 24, 2003,  
1-3 read first time and referred to Committee on Natural Resources;  
1-4 March 17, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 11, Nays 0; March 17, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 542 By: Lindsay

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to exclusion of land from certain water districts for  
1-11 failure to provide facilities and services.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter J, Chapter 49, Water Code, is amended  
1-14 by adding Section 49.3075 to read as follows:

1-15 Sec. 49.3075. EXCLUSION FOR FAILURE TO PROVIDE SUFFICIENT  
1-16 SERVICES. (a) The board shall call a hearing on the exclusion of  
1-17 land from a district on a written petition filed with the secretary  
1-18 of the board by a landowner whose land has been included in and  
1-19 taxable by the district for more than 20 years if any bonds issued  
1-20 by the district payable in whole or in part from taxes of the  
1-21 district are no longer outstanding and the petition:

1-22 (1) includes a signed petition evidencing the consent  
1-23 of the owners of a majority of the acreage proposed to be excluded,  
1-24 as reflected by the most recent certified tax roll of the district;

1-25 (2) includes a claim that the district has not met the  
1-26 landowner's proposals and requests for facilities and services  
1-27 sufficient to service the land at full development; and

1-28 (3) describes the property to be excluded.

1-29 (b) The board shall hold the hearing at the earliest  
1-30 practicable time after receipt of the petition.

1-31 (c) Unless the district presents evidence at the hearing  
1-32 that conclusively demonstrates that the requirements and grounds  
1-33 for exclusion described by Subsection (a) have not been met, the  
1-34 board shall enter an order excluding the land from the district and  
1-35 shall redefine in the order the boundaries of the district to  
1-36 embrace all land not excluded.

1-37 (d) A copy of an order excluding land and redefining  
1-38 boundaries of the district shall be filed in the deed records of the  
1-39 county or counties in which the district is located.

1-40 (e) This section does not apply to irrigation districts  
1-41 governed by Chapter 58.

1-42 SECTION 2. This Act takes effect immediately if it receives  
1-43 a vote of two-thirds of all the members elected to each house, as  
1-44 provided by Section 39, Article III, Texas Constitution. If this  
1-45 Act does not receive the vote necessary for immediate effect, this  
1-46 Act takes effect September 1, 2003.

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