

By: Cook of Colorado

H.B. No. 1673

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the procedure for conversion and creation of a special  
3 utility district.

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

5 SECTION 1. Section 65.020(a), Water Code, is amended to  
6 read as follows:

7 (a) If the commission determines that a hearing is necessary  
8 under Section 49.011, the commission shall conduct a hearing and  
9 accept evidence on the sufficiency of the resolution and whether or  
10 not the request for conversion for each purpose specified in the  
11 resolution, as required by Section 65.015, is feasible and  
12 practicable and is necessary and would be a benefit to all or any  
13 part of the land proposed to be included in the district. The  
14 commission may only consider a purpose for which the district is  
15 being created that is specified in the resolution.

16 SECTION 2. Sections 65.021(a), (b), and (d), Water Code,  
17 are amended to read as follows:

18 (a) If the commission finds that the resolution conforms to  
19 the requirements of Section 65.015, ~~[and that]~~ the request for  
20 conversion is feasible and practicable, and each purpose for which  
21 the district is created is necessary and would be a benefit to the  
22 land proposed to be included in the district, the commission shall  
23 make these findings in an order and shall authorize the creation of  
24 the district for the purpose or purposes specified in the

1 resolution, as required by Section 65.015, on approval at the  
2 confirmation and directors' election called and held under this  
3 subchapter.

4 (b) In determining if the request for conversion is feasible  
5 and practicable and if each purpose for which the district is  
6 created [~~it~~] is necessary and would be a benefit to the land  
7 included in the district, the commission shall consider:

8 (1) the availability of comparable service from other  
9 systems, including water districts, municipalities, and regional  
10 authorities;

11 (2) the reasonableness of projected construction  
12 costs, if any, tax rates, and water and sewer rates; and

13 (3) whether or not the district and its system and  
14 subsequent development within the district will have an  
15 unreasonable effect on the following:

16 (A) land elevation;

17 (B) subsidence;

18 (C) groundwater level within the region;

19 (D) recharge capability of a groundwater source;

20 (E) natural runoff rates and drainage; and

21 (F) water quality.

22 (d) If the commission finds that the resolution does not  
23 conform to the requirements of Section 65.015 of this code, [~~or~~  
24 ~~that~~] the request for conversion is not feasible or [~~7~~] practicable,  
25 or a purpose for which the district is created is not necessary [~~7~~]  
26 or a benefit to the land in the district, the commission shall make  
27 this finding in its order and shall deny the creation of the

1 district.

2           SECTION 3. The change in law made by this Act applies only  
3 to a resolution filed with the Texas Commission on Environmental  
4 Quality on or after the effective date of this Act. A resolution  
5 filed before the effective date of this Act is covered by the law in  
6 effect on the date the resolution was filed, and the former law is  
7 continued in effect for that purpose.

8           SECTION 4. This Act takes effect September 1, 2005.