

By: Hinojosa

S.B. No. 472

A BILL TO BE ENTITLED

AN ACT

relating to the abolition of certain water control and improvement districts.

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

SECTION 1. Subchapter D, Chapter 43, Local Government Code, is amended by adding Section 43.0741 to read as follows:

Sec. 43.0741. ABOLITION OF CERTAIN WATER CONTROL AND IMPROVEMENT DISTRICTS THAT DELIVER RAW WATER TO MUNICIPALITIES.

(a) This section applies only to:

(1) a water control and improvement district that:

(A) is located partly or wholly in a municipality as a result of annexation or incorporation;

(B) diverts raw water from the Rio Grande and in a 12-month period delivers at least 80 percent of that raw water to the municipality for municipal use; and

(C) has no outstanding bonded indebtedness; and

(2) a municipality that receives raw water from a district described by Subdivision (1).

(b) A municipality may adopt an ordinance abolishing a district by a vote of at least two-thirds of the membership of the municipality's governing body if the governing body determines that:

(1) at least 80 percent of the raw water diverted by the district in any 12-month period was for municipal use by the

1 municipality;

2 (2) the district has no outstanding bonded
3 indebtedness;

4 (3) the services furnished and functions performed by
5 the district can be furnished and performed by the municipality;
6 and

7 (4) the abolition of the district is in the best
8 interests of the residents and property of the municipality and the
9 district.

10 (c) The voters of the municipality may protest the enactment
11 or enforcement of the ordinance by filing a petition with the
12 secretary of the municipality. The petition must be signed by a
13 number of qualified voters of the municipality that is equal to at
14 least 10 percent of the number of voters who voted in the most
15 recent election for municipal officers. The petition must be filed
16 not later than the 30th day after the later of:

17 (1) the effective date of the ordinance; or

18 (2) the date of publication of the ordinance.

19 (d) The secretary shall verify the signatures on a petition
20 filed in accordance with Subsection (c) and present the verified
21 petition to the governing body of the municipality at its next
22 scheduled meeting.

23 (e) On receipt of a verified petition, the governing body of
24 the municipality shall suspend the ordinance, and the municipality
25 may not take an action under the ordinance.

26 (f) The governing body of the municipality shall reconsider
27 the suspended ordinance at its next meeting. If the governing body

1 does not repeal the ordinance, the governing body shall submit a
2 proposition for or against the ordinance to the voters at the next
3 municipal election or at a special election the governing body may
4 order for that purpose. The ordinance does not take effect unless a
5 majority of the voters voting in the election vote for the
6 ordinance.

7 (g) The ordinance takes effect on:

8 (1) the expiration of the period for filing a petition
9 under Subsection (c) if the voters of the municipality do not file a
10 petition that meets the requirements of that subsection before the
11 expiration of that period; or

12 (2) the approval of the ordinance at an election under
13 Subsection (f).

14 (h) If the ordinance takes effect:

15 (1) the district is abolished;

16 (2) the property and other assets of the district vest
17 in the municipality;

18 (3) the municipality becomes responsible for
19 operating the district's facilities for the benefit of the
20 district's existing customers and performing the services and
21 functions that were performed by the district; and

22 (4) the municipality assumes all the debts,
23 liabilities, and obligations of the district.

24 (i) A district that is abolished under this section shall
25 provide its management and operational records to the municipality
26 to ensure the orderly transfer of management and operational
27 responsibility to the municipality.

1 SECTION 2. This Act takes effect September 1, 2005.