

By: Flores

H.B. No. 1271

A BILL TO BE ENTITLED

AN ACT

relating to the abolition of certain water control and improvement, water improvement, and irrigation 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, WATER IMPROVEMENT, AND IRRIGATION DISTRICTS THAT DELIVER RAW WATER TO MUNICIPALITIES. (a) This section applies only to:

(1) a water control and improvement, water improvement, or irrigation district:

(A) at least 60 percent of the territory of which is located in a single municipality as a result of annexation or incorporation;

(B) that 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) that 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

1 municipality's governing body if the governing body determines  
2 that:

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

6 (2) the district has no outstanding bonded  
7 indebtedness;

8 (3) the services furnished and functions performed by  
9 the district can be furnished and performed by the municipality;  
10 and

11 (4) the abolition of the district is in the best  
12 interests of the residents and property of the municipality and the  
13 district.

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

21 (1) the date the municipality finally approves the  
22 ordinance; or

23 (2) the date of publication of the ordinance, if the  
24 ordinance is published before it is scheduled to take effect.

25 (d) The secretary shall verify the signatures on a petition  
26 filed in accordance with Subsection (c) and present the verified  
27 petition to the governing body of the municipality at its next

1 scheduled meeting.

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

5 (f) The governing body of the municipality shall reconsider  
6 the suspended ordinance at its next meeting. If the governing body  
7 does not repeal the ordinance, the governing body shall submit a  
8 proposition for or against the ordinance to the voters at the next  
9 municipal election or at a special election the governing body may  
10 order for that purpose. The ordinance does not take effect unless a  
11 majority of the voters voting in the election vote for the  
12 ordinance.

13 (g) The ordinance takes effect on:

14 (1) the expiration of the period for filing a petition  
15 under Subsection (c) if the voters of the municipality do not file a  
16 petition that meets the requirements of that subsection before the  
17 expiration of that period; or

18 (2) the approval of the ordinance at an election under  
19 Subsection (f).

20 (h) If the ordinance takes effect:

21 (1) the district is abolished;

22 (2) the property and other assets of the district vest  
23 in the municipality;

24 (3) the municipality becomes responsible for  
25 operating the district's facilities for the benefit of the  
26 district's existing customers and performing the services and  
27 functions that were performed by the district; and

1           (4) the municipality assumes all the debts,  
2 liabilities, and obligations of the district.

3           (i) A district that is abolished under this section shall  
4 provide its management and operational records to the municipality  
5 to ensure the orderly transfer of management and operational  
6 responsibility to the municipality.

7           SECTION 2. This Act takes effect September 1, 2007.