

By: Hinojosa, Lucio

S.B. No. 975

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:

(A) receives raw water from a district described
by Subdivision (1); and

(B) is located in a county that has a population

1 of 400,000 or more, borders the United Mexican States, and has three
2 or more cities that each have a population of more than 25,000.

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

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

10 (2) the district has no outstanding bonded
11 indebtedness;

12 (3) the services furnished and functions performed by
13 the district can be furnished and performed by the municipality;
14 and

15 (4) the abolition of the district is in the best
16 interests of the residents and property of the municipality and the
17 district.

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

25 (1) the date the municipality finally approves the
26 ordinance; or

27 (2) the date of publication of the ordinance, if the

1 ordinance is published before it is scheduled to take effect.

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

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

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

17 (g) The ordinance takes effect on:

18 (1) the expiration of the period for filing a petition
19 under Subsection (c) if the voters of the municipality do not file a
20 petition that meets the requirements of that subsection before the
21 expiration of that period; or

22 (2) the approval of the ordinance at an election under
23 Subsection (f).

24 (h) If the ordinance takes effect:

25 (1) the district is abolished;

26 (2) the property and other assets of the district vest
27 in the municipality;

1 (3) the municipality becomes responsible for
2 operating the district's facilities for the benefit of the
3 district's existing customers and performing the services and
4 functions that were performed by the district; and

5 (4) the municipality assumes all the debts,
6 liabilities, and obligations of the district.

7 (i) A district that is abolished under this section shall
8 provide its management and operational records to the municipality
9 to ensure the orderly transfer of management and operational
10 responsibility to the municipality.

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