

1-1 By: Hinojosa, Lucio S.B. No. 975
1-2 (In the Senate - Filed February 27, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Natural Resources;
1-4 April 11, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 11, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 975 By: Hinojosa

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

1-10 relating to the abolition of certain water control and improvement,
1-11 water improvement, and irrigation districts.

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

1-13 SECTION 1. Subchapter D, Chapter 43, Local Government Code,
1-14 is amended by adding Section 43.0741 to read as follows:

1-15 Sec. 43.0741. ABOLITION OF CERTAIN WATER CONTROL AND
1-16 IMPROVEMENT, WATER IMPROVEMENT, AND IRRIGATION DISTRICTS THAT
1-17 DELIVER RAW WATER TO MUNICIPALITIES. (a) This section applies
1-18 only to:

1-19 (1) a water control and improvement, water
1-20 improvement, or irrigation district:

1-21 (A) at least 60 percent of the territory of which
1-22 is located in a single municipality as a result of annexation or
1-23 incorporation;

1-24 (B) that diverts raw water from the Rio Grande
1-25 and in a 12-month period delivers at least 80 percent of that raw
1-26 water to the municipality for municipal use; and

1-27 (C) that has no outstanding bonded indebtedness;
1-28 and

1-29 (2) a municipality that:

1-30 (A) receives raw water from a district described
1-31 by Subdivision (1); and

1-32 (B) is located in a county that has a population
1-33 of 400,000 or more, borders the United Mexican States, and has three
1-34 or more cities that each have a population of more than 25,000.

1-35 (b) A municipality may adopt an ordinance abolishing a
1-36 district by a vote of at least two-thirds of the membership of the
1-37 municipality's governing body if the governing body determines
1-38 that:

1-39 (1) at least 80 percent of the raw water diverted by
1-40 the district in any 12-month period was for municipal use by the
1-41 municipality;

1-42 (2) the district has no outstanding bonded
1-43 indebtedness;

1-44 (3) the services furnished and functions performed by
1-45 the district can be furnished and performed by the municipality;
1-46 and

1-47 (4) the abolition of the district is in the best
1-48 interests of the residents and property of the municipality and the
1-49 district.

1-50 (c) The voters of the municipality may protest the enactment
1-51 or enforcement of the ordinance by filing a petition with the
1-52 secretary of the municipality. The petition must be signed by a
1-53 number of qualified voters of the municipality that is equal to at
1-54 least 10 percent of the number of voters who voted in the most
1-55 recent election for municipal officers. The petition must be filed
1-56 not later than the 30th day after the later of:

1-57 (1) the date the municipality finally approves the
1-58 ordinance; or

1-59 (2) the date of publication of the ordinance, if the
1-60 ordinance is published before it is scheduled to take effect.

1-61 (d) The secretary shall verify the signatures on a petition
1-62 filed in accordance with Subsection (c) and present the verified
1-63 petition to the governing body of the municipality at its next

2-1 scheduled meeting.

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

2-5 (f) The governing body of the municipality shall reconsider
2-6 the suspended ordinance at its next meeting. If the governing body
2-7 does not repeal the ordinance, the governing body shall submit a
2-8 proposition for or against the ordinance to the voters at the next
2-9 municipal election or at a special election the governing body may
2-10 order for that purpose. The ordinance does not take effect unless a
2-11 majority of the voters voting in the election vote for the
2-12 ordinance.

2-13 (g) The ordinance takes effect on:

2-14 (1) the expiration of the period for filing a petition
2-15 under Subsection (c) if the voters of the municipality do not file a
2-16 petition that meets the requirements of that subsection before the
2-17 expiration of that period; or

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

2-20 (h) If the ordinance takes effect:

2-21 (1) the district is abolished;

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

2-24 (3) the municipality becomes responsible for
2-25 operating the district's facilities for the benefit of the
2-26 district's existing customers and performing the services and
2-27 functions that were performed by the district; and

2-28 (4) the municipality assumes all the debts,
2-29 liabilities, and obligations of the district.

2-30 (i) A district that is abolished under this section shall
2-31 provide its management and operational records to the municipality
2-32 to ensure the orderly transfer of management and operational
2-33 responsibility to the municipality.

2-34 SECTION 2. This Act takes effect September 1, 2007.

2-35 * * * * *