

By: Callegari

H.B. No. 3335

A BILL TO BE ENTITLED

AN ACT

relating to the powers and authority of water districts.

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

SECTION 1. Section 42.002, Election Code, is amended by adding Subsection (c) to read as follows:

(c) This section does not apply to a conservation and reclamation district to which Chapter 49, Water Code, applies.

SECTION 2. Section 123.032, Election Code, is amended by adding Subsection (e) to read as follows:

(e) A conservation and reclamation district to which Chapter 49, Water Code, applies is exempt from the acquisition, lease, or required use of an electronic voting system if:

(1) the district has 10 or fewer registered voters and, not later than the 10th day before the date that is the last day for calling an election, the district has affidavits on file showing that no person who has a disability that would require the use of an electronic voting system is registered to vote in the election; or

(2) the cost the district would incur to purchase or lease the electronic voting system is greater than \$100 for each person registered to vote in the election.

SECTION 3. Section 43.0751(a)(1), Local Government Code, is amended to read as follows:

(1) "District" means a conservation and reclamation

1 ~~[water control and improvement]~~ district ~~[or a municipal utility~~  
2 ~~district created or]~~ operating under Chapter 49 ~~[51 or 54]~~, Water  
3 Code.

4 SECTION 4. Section 43.0751, Local Government Code, is  
5 amended by adding Subsection (r) to read as follows:

6 (r) To be annexed for limited purposes under this section,  
7 an area must be:

8 (1) in the municipality's extraterritorial  
9 jurisdiction; and

10 (2) contiguous to the corporate or limited purpose  
11 boundaries of the municipality, unless the district consents to  
12 noncontiguous annexation pursuant to a strategic partnership  
13 agreement with the municipality.

14 SECTION 5. Section 49.066, Water Code, is amended by adding  
15 Subsection (a-1) to read as follows:

16 (a-1) A district may file suit against any person to enforce  
17 the payment of fees or charges the person owes the district under  
18 district rules.

19 SECTION 6. Subchapter D, Chapter 49, Water Code, is amended  
20 by adding Section 49.1045 to read as follows:

21 Sec. 49.1045. JOINT ELECTIONS WITH COUNTIES. (a) This  
22 section applies only to a district with 10 or fewer registered  
23 voters.

24 (b) A district that holds an election jointly with a county  
25 in which the district is wholly or partly located may provide for a  
26 certification of the voting results if the election results  
27 indicate that there were more votes cast in the election than the

1 number of registered voters in the district. To certify the  
2 district votes, the district may have each person whose signature  
3 is on the sign-in sheet for the district election certify the manner  
4 in which the person voted in the election, and the certified votes  
5 shall be used as the official election results.

6 SECTION 7. Section 49.213, Water Code, is amended by adding  
7 Subsection (d) to read as follows:

8 (d) A district that enters into a contract under this  
9 section is subject to Section 271.152, Local Government Code.

10 SECTION 8. Section 49.351, Water Code, is amended by adding  
11 Subsections (i-1) and (m) to read as follows:

12 (i-1) Notwithstanding Subsections (g), (h), and (i), a  
13 district that funds fire-fighting services with revenue instead of  
14 ad valorem taxes is not required to:

15 (1) submit a plan to the commission; or

16 (2) hold an election at which the district voters vote  
17 to approve or reject the plan.

18 (m) Notwithstanding Subsection (l), if a household user  
19 makes a partial payment for potable water or sewer service and  
20 includes with the payment a voluntary contribution for  
21 fire-fighting services under that subsection, the district shall  
22 apply the voluntary contribution first to the bill for water or  
23 sewer service. Any amount remaining shall be used for  
24 fire-fighting services.

25 SECTION 9. Section 54.209, Water Code, is amended to read as  
26 follows:

27 Sec. 54.209. LIMITATION ON USE OF EMINENT DOMAIN. (a) A

1 district may not exercise the power of eminent domain outside the  
2 district boundaries to acquire:

3 (1) a site for a water treatment plant, water storage  
4 facility, wastewater treatment plant, or wastewater disposal  
5 plant;

6 (2) a site for a park, swimming pool, or other  
7 recreational facility except a trail;

8 (3) a site for a trail on real property designated as a  
9 homestead as defined by Section 41.002, Property Code; or

10 (4) an exclusive easement through a county regional  
11 park.

12 (b) A municipality may not exercise the power of eminent  
13 domain inside a district's boundaries if a reasonable alternative  
14 is available to the municipality outside the district's boundaries.

15 SECTION 10. Section 54.235, Water Code, is amended to read  
16 as follows:

17 Sec. 54.235. AUTHORITY TO CONTRACT. (a) A district may  
18 contract to receive water or sewer service as a wholesale customer  
19 if the cost to the district for services under the wholesale  
20 contract does not exceed the cost to provide the services.

21 (b) Any district created by general law or special act of  
22 the legislature in existence for at least 10 years which lies within  
23 a county that borders on the Gulf of Mexico and that has a  
24 population of 190,000 and which has the powers of this chapter and  
25 which also has or is authorized to acquire road utility district  
26 powers pursuant to Section 54.234, of this code, may contract with  
27 the county within which it is located with respect to the ownership,

1 maintenance, and operation of any facilities or improvements which  
2 such district is authorized or may be authorized to acquire by  
3 purchase, gift, lease, or otherwise, except by condemnation, any  
4 and all property or interests in property, whether real, personal,  
5 or mixed, tangible or intangible, located inside or outside such  
6 county, that are found to be necessary for such improvements or  
7 facilities. Such county may enter into contracts with such  
8 districts as permitted by this section for any term of years not  
9 exceeding 40 for the management and operation of any or all of such  
10 property and interests in property on such terms as the  
11 commissioners court of such county deems appropriate.

12 SECTION 11. Section 59.006(d), Water Code, is amended to  
13 read as follows:

14 (d) Sections 54.016(e) and [ ~~(f)~~ ] (g) [ ~~and (h)~~ ] apply  
15 under this chapter.

16 SECTION 12. Sections 54.016(f) and (h), Water Code, are  
17 repealed.

18 SECTION 13. This Act takes effect September 1, 2009.