

By: Fallon

H.B. No. 4287

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Smiley Road Water Control and Improvement District.

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

SECTION 1. Section 9001.104, Special District Local Laws Code, is amended to read as follows:

Sec. 9001.104. [~~PROHIBITION ON~~] DIVISION OF DISTRICT. (a) The district may be divided into two or more districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 9001.004.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) An order dividing the district shall:

(1) name each new district;

(2) include the metes and bounds of each new district;

1           (3) appoint temporary directors for each new district;

2 and

3           (4) provide for the division of assets and liabilities  
4 between the district and each new district.

5           (f) On or before the 30th day after the date of adoption of  
6 an order dividing the district, the district shall file the order  
7 with the Texas Commission on Environmental Quality and record the  
8 order in the real property records of each county in which the  
9 district is located.

10           (g) A new district may be created by the division of the  
11 district only if approved by the voters of the new district in a  
12 confirmation and directors' election held for that purpose.

13           (h) If the district is located wholly or partly in the  
14 corporate limits or the extraterritorial jurisdiction of a  
15 municipality, the district may not divide under this section unless  
16 the municipality by resolution or ordinance consents to the  
17 division of the district.

18           (i) Any new district created by the division of the district  
19 must hold an election to obtain voter approval before the district  
20 may impose a maintenance tax or issue bonds payable wholly or partly  
21 from ad valorem taxes. [The district may not divide into two or  
22 more districts in the manner specified by Section 51.748 or 53.029,  
23 Water Code.]

24           SECTION 2. (a) The following are validated and confirmed in  
25 all respects:

26           (1) the creation of the Smiley Road Water Control and  
27 Improvement District; and

1           (2) any act or proceeding of the district, including  
2 an election, not excepted by this section and taken not more than  
3 three years before the effective date of this Act, effective as of  
4 the date on which the act or proceeding occurred.

5           (b) This section does not apply to:

6           (1) an act, proceeding, director, other official,  
7 bond, or other obligation the validity of which or of whom is the  
8 subject of litigation that is pending on the effective date of this  
9 Act; or

10           (2) an act or proceeding that, under a statute of this  
11 state or the United States, was a misdemeanor or felony at the time  
12 the act or proceeding occurred.

13           SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2017.