

By: Fallon

H.B. No. 4287

Substitute the following for H.B. No. 4287:

By: Larson

C.S.H.B. No. 4287

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the powers and duties of the Smiley Road Water Control
3 and Improvement District.

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

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

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

10 (1) has no outstanding bonded debt; and

11 (2) is not imposing ad valorem taxes.

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

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

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

22 (e) An order dividing the district shall:

23 (1) name each new district;

24 (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.