

By: Fallon

H.B. No. 4287

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of 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. Sections 9001.201(a), (b), and (d), Special
25 District Local Laws Code, are amended to read as follows:

26 (a) The district may issue bonds as provided by [~~Chapter 49~~
27 ~~or 51, Water Code, or Section 53.029, Water Code,~~] the general laws

1 of this state~~[,]~~ or this section, including by competitive bid,
2 negotiated sale, or private placement.

3 (b) Except as provided by Subsection (c) and Section
4 9001.202, the district may issue bonds, notes, or other obligations
5 ~~[as provided by Section 53.029, Water Code,]~~ to finance, or assist
6 in the financing of, projects under Section 9001.105.

7 (d) Section 49.181, Water Code, does not apply to a bond
8 issued under this section by the district to finance, or assist in
9 the financing of, projects under Section 9001.105 ~~[under Section~~
10 ~~53.029, Water Code].~~

11 SECTION 3. (a) The following are validated and confirmed in
12 all respects:

13 (1) the creation of the Smiley Road Water Control and
14 Improvement District; and

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

19 (b) This section does not apply to:

20 (1) an act, proceeding, director, other official,
21 bond, or other obligation the validity of which or of whom is the
22 subject of litigation that is pending on the effective date of this
23 Act; or

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

27 SECTION 4. (a) The legal notice of the intention to

1 introduce this Act, setting forth the general substance of this
2 Act, has been published as provided by law, and the notice and a
3 copy of this Act have been furnished to all persons, agencies,
4 officials, or entities to which they are required to be furnished
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6 Government Code.

7 (b) The governor, one of the required recipients, has
8 submitted the notice and Act to the Texas Commission on
9 Environmental Quality.

10 (c) The Texas Commission on Environmental Quality has filed
11 its recommendations relating to this Act with the governor, the
12 lieutenant governor, and the speaker of the house of
13 representatives within the required time.

14 (d) All requirements of the constitution and laws of this
15 state and the rules and procedures of the legislature with respect
16 to the notice, introduction, and passage of this Act are fulfilled
17 and accomplished.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2017.