

1-1 By: Fallon (Senate Sponsor - Estes) H.B. No. 4287
1-2 (In the Senate - Received from the House May 19, 2017;
1-3 May 19, 2017, read first time and referred to Committee on
1-4 Administration; May 23, 2017, reported favorably by the following
1-5 vote: Yeas 6, Nays 0, 1 present not voting; May 23, 2017, sent to
1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11				X
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the powers and duties of the Smiley Road Water Control
1-19 and Improvement District.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 9001.104, Special District Local Laws
1-22 Code, is amended to read as follows:

1-23 Sec. 9001.104. ~~[PROHIBITION ON]~~ DIVISION OF DISTRICT. (a)
1-24 The district may be divided into two or more districts only if the
1-25 district:

1-26 (1) has no outstanding bonded debt; and

1-27 (2) is not imposing ad valorem taxes.

1-28 (b) This chapter applies to any new district created by the
1-29 division of the district, and a new district has all the powers and
1-30 duties of the district.

1-31 (c) A new district created by the division of the district
1-32 may not, at the time the new district is created, contain any land
1-33 outside the area described by Section 9001.004.

1-34 (d) The board, on its own motion or on receipt of a petition
1-35 signed by the owner or owners of a majority of the assessed value of
1-36 the real property in the district, may adopt an order dividing the
1-37 district.

1-38 (e) An order dividing the district shall:

1-39 (1) name each new district;

1-40 (2) include the metes and bounds of each new district;

1-41 (3) appoint temporary directors for each new district;

1-42 and

1-43 (4) provide for the division of assets and liabilities
1-44 between the district and each new district.

1-45 (f) On or before the 30th day after the date of adoption of
1-46 an order dividing the district, the district shall file the order
1-47 with the Texas Commission on Environmental Quality and record the
1-48 order in the real property records of each county in which the
1-49 district is located.

1-50 (g) A new district may be created by the division of the
1-51 district only if approved by the voters of the new district in a
1-52 confirmation and directors' election held for that purpose.

1-53 (h) If the district is located wholly or partly in the
1-54 corporate limits or the extraterritorial jurisdiction of a
1-55 municipality, the district may not divide under this section unless
1-56 the municipality by resolution or ordinance consents to the
1-57 division of the district.

1-58 (i) Any new district created by the division of the district
1-59 must hold an election to obtain voter approval before the district
1-60 may impose a maintenance tax or issue bonds payable wholly or partly
1-61 from ad valorem taxes. ~~[The district may not divide into two or~~

2-1 ~~more districts in the manner specified by Section 51.748 or 53.029,~~
2-2 ~~Water Code.]~~

2-3 SECTION 2. (a) The following are validated and confirmed in
2-4 all respects:

2-5 (1) the creation of the Smiley Road Water Control and
2-6 Improvement District; and

2-7 (2) any act or proceeding of the district, including
2-8 an election, not excepted by this section and taken not more than
2-9 three years before the effective date of this Act, effective as of
2-10 the date on which the act or proceeding occurred.

2-11 (b) This section does not apply to:

2-12 (1) an act, proceeding, director, other official,
2-13 bond, or other obligation the validity of which or of whom is the
2-14 subject of litigation that is pending on the effective date of this
2-15 Act; or

2-16 (2) an act or proceeding that, under a statute of this
2-17 state or the United States, was a misdemeanor or felony at the time
2-18 the act or proceeding occurred.

2-19 SECTION 3. This Act takes effect immediately if it receives
2-20 a vote of two-thirds of all the members elected to each house, as
2-21 provided by Section 39, Article III, Texas Constitution. If this
2-22 Act does not receive the vote necessary for immediate effect, this
2-23 Act takes effect September 1, 2017.

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