

By: Birdwell
(Kacal)

S.B. No. 976

A BILL TO BE ENTITLED

AN ACT

relating to the dissolution of the Falls County Water Control and
Improvement District No. 1.

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

SECTION 1. DEFINITIONS. In this Act:

(1) "City" means the City of Marlin.

(2) "District" means the Falls County Water Control
and Improvement District No. 1.

SECTION 2. LEGISLATIVE FINDINGS. The legislature finds
that:

(1) the citizens of the district approved the creation
of the district for the purpose of developing a flood control
program;

(2) the district entered into an agreement with the
city and other parties to acquire the property rights necessary for
the construction of three flood retention structures that are
related to the Brushy Creek reservoir and the district acquired
those property rights;

(3) the district and the city expended public funds
towards the completion of the project in accordance with the terms
of the agreement between the parties, including approximately \$3.5
million spent by the city on the project as of the effective date of
this Act;

(4) the city is relying on the Brushy Creek reservoir

1 and the related flood control structures to meet future water
2 supply needs;

3 (5) the board of the district voted to dissolve the
4 district and the citizens of the district confirmed the intent to
5 dissolve the district at an election, and the law is unclear on the
6 disposition of the district's assets in the event of dissolution;

7 (6) the district's primary assets are the easements
8 acquired under the terms of the agreement with revenue from
9 taxation and those easements are essential to the completion of the
10 Brushy Creek reservoir project by the city;

11 (7) the Brushy Creek reservoir is included in the 2017
12 state water plan as a regional water supply source and should be
13 completed;

14 (8) the territory of the district will benefit by the
15 completion of the reservoir; and

16 (9) in the interest of public health and welfare, to
17 help ensure an adequate water supply for present and future needs,
18 to fulfill the will of the citizens of the district to dissolve the
19 district and end the collection of ad valorem taxes, and to secure
20 the investment of public funds already incurred for the project,
21 all assets and obligations of the district should be transferred to
22 the city and the district dissolved.

23 SECTION 3. DISSOLUTION OF DISTRICT AND TRANSFER OF ASSETS
24 AND OBLIGATIONS. (a) On the effective date of this Act, the
25 district is dissolved and has no legal authority to take any action,
26 and the transfer of the assets and obligations of the district to
27 the city is authorized. The city bears the responsibility of:

1 (1) transferring the title of the assets of the
2 district to the city; and

3 (2) assuming the obligations of the district.

4 (b) The county clerk of Falls County, the commissioners
5 court of Falls County, and any district court with jurisdiction
6 over a matter related to the provisions of this Act shall take
7 notice of this Act as an authorization to transfer the title of the
8 assets to the city and assume the obligations of the district on
9 application or petition by the city.

10 SECTION 4. NOTICE. (a) The legal notice of the intention
11 to introduce this Act, setting forth the general substance of this
12 Act, has been published as provided by law, and the notice and a
13 copy of this Act have been furnished to all persons, agencies,
14 officials, or entities to which they are required to be furnished
15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
16 Government Code.

17 (b) The governor, one of the required recipients, has
18 submitted the notice and Act to the Texas Commission on
19 Environmental Quality.

20 (c) The Texas Commission on Environmental Quality has filed
21 its recommendations relating to this Act with the governor, the
22 lieutenant governor, and the speaker of the house of
23 representatives within the required time.

24 (d) All requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect
26 to the notice, introduction, and passage of this Act are fulfilled
27 and accomplished.

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