

SUBJECT: Petition requirements for creating a fresh water supply district.

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 9 ayes — Puente, Hamilton, Gattis, Creighton, Gallego, Guillen, Hilderbran, Laubenberg, O'Day
0 nays

WITNESSES: For — Val Perkins
Against — None

BACKGROUND: Water Code, ch. 53 governs fresh water supply districts (FWSDs). A fresh water supply district is a political subdivision of the state of Texas that may be created to conserve, transport, and distribute fresh water for domestic and commercial purposes. A FWSD may be created by petition to the county commissioners court, hearing, or election. Under Sec. 53.014, creation of an FWSD by petition requires the signatures of 50 or a majority of the electors of the proposed district who own land in the proposed district.

DIGEST: Under HB 2983, petition for the creation of a FWSD would have to be signed by a majority of the individuals who held title to land in the proposed district that represented total value of more than 50 percent of the value of all district land, as indicated by the appraisal district's appraisal roll. If more than 50 individuals held title to land in the proposed district, the petition would be sufficient if signed by 50 of those individuals.

The bill would take effect September 1, 2007 and would apply to a petition for a FWSD presented on or after that date.

SUPPORTERS SAY: HB 2983 would improve the process for creating a FWSD. Currently, a petition to create a FWSD must be signed by 50 or a majority of electors who own land in a district. In some areas, most of the land is owned by a developer who may not live in the area but plans to develop it. In many proposed districts, no residents inhabit the area of the district. HB 2983

would allow for creation of a FWSD if a petition were signed by individuals who owned a majority of land in the proposed district, a more practical and appropriate method for establishing a FWSD.

HB 2983 would align FWSDs with the process for creating municipal utility districts and water control and improvement districts. The Legislature in the past has recognized that allowing creation of other types of water utility districts appropriately should be authorized by a petition of individuals holding a majority of the value of land in the area, and HB 2983 would extend that policy to FWSDs.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The companion bill, SB 1179 by Hegar, was reported favorably, without amendment, by the Senate Natural Resources Committee on April 11 and recommended for the Local and Uncontested Calendar. It was removed from that calendar and placed on the Intent Calendar for April 23.