

By: Holland

H.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to county requirements for the creation of a special district located in the county.

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

SECTION 1. The Local Government Code is amended by adding Title 15 to read as follows:

TITLE 15. REQUIREMENTS FOR CREATION OF CERTAIN LOCAL GOVERNMENTAL ENTITIES

SUBTITLE A. MUNICIPAL REQUIREMENTS

SUBTITLE B. COUNTY REQUIREMENTS

CHAPTER 661. SPECIAL DISTRICTS

Sec. 661.001. DEFINITION. In this chapter, "special district" means a political subdivision with a limited geographic area created by local law or under general law for a special purpose.

Sec. 661.002. REQUIREMENTS FOR PROPOSED LOCAL LAW DISTRICTS. (a) This section applies only to a special district created by local law.

(b) Except as provided by Subsection (c), the commissioners court of a county in which a special district is proposed to be located may by order adopt requirements for the district to ensure that all county territory included in the district will benefit from the creation of the district.

(c) The commissioners court of a county may not adopt an

1 order described by Subsection (b) for a special district after the
2 effective date of the Act that creates the district.

3 (d) A special district shall comply with each order adopted
4 under Subsection (b) that applies to the district.

5 Sec. 661.003. APPROVAL BEFORE CREATION OF GENERAL LAW
6 DISTRICTS. (a) This section applies only to a special district
7 created under general law.

8 (b) A special district may not be created unless the
9 commissioners court of each county in which the district is
10 proposed to be located approves the creation of the district after
11 each court holds a hearing described by Subsection (c).

12 (c) On the request of a person proposing to create a special
13 district in a county, the commissioners court of the county shall
14 hold a hearing in which the court accepts evidence on the creation
15 of the district and whether:

16 (1) the creation of the district is feasible,
17 practicable, and necessary; and

18 (2) the district would wholly or partly benefit the
19 county.

20 Sec. 661.004. EXCEPTIONS. This chapter does not apply to a
21 special district if:

22 (1) the creation of the district is initiated by the
23 commissioners court of a county; or

24 (2) other law requires the approval of the
25 commissioners court of a county before the district may be created.

26 SECTION 2. Section 661.003, Local Government Code, as added
27 by this Act, applies only to a special district, as defined by

H.B. No. 12

1 Section 661.001, Local Government Code, as added by this Act,
2 created on or after the effective date of this Act.

3 SECTION 3. This Act takes effect on the 91st day after the
4 last day of the legislative session.