

BILL ANALYSIS

C.S.S.B. 1987
By: Lucio
Special Purpose Districts
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, several statutory provisions relating to the creation of new special purpose districts and the annexation of land into existing districts could be improved by making changes to certain notice requirements to better reflect landowner support. C.S.S.B. 1987 seeks to make these changes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 1987 amends the Government Code to extend the applicability of provisions relating to notice for proposed laws establishing municipal management districts to proposed laws adding territory to such districts. The bill requires notice regarding the introduction of a law in the legislature establishing or adding territory to a special district that incorporates a municipal management district power to be timely mailed in a specified manner to each person who owns real property proposed to be included in a new district or to be added to an existing district. The bill establishes that if similar bills are filed in both chambers of the legislature, a person is only required to timely provide a single notice. The bill authorizes a landowner to waive at any time any notice required for laws establishing or adding territory to municipal management districts.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1987 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. The heading to Section 313.006, Government Code, is amended.	SECTION 1. Same as engrossed version.

SECTION 2. Section 313.006, Government Code, is amended.

SECTION 2. Same as engrossed version.

SECTION 3. Section 375.022(b), Local Government Code, is amended to read as follows:

No equivalent provision.

(b) The petition must be signed by[~~:-~~
[~~(1)~~] the owners of a majority of the assessed value of the real property in the proposed district, according to the most recent certified county property tax rolls[~~;- or~~
[~~(2)~~ 50 persons who own real property in the proposed district if, according to the most recent certified county property tax rolls, more than 50 persons own real property in the proposed district].

SECTION 4. Section 49.302(b), Water Code, is amended to read as follows:

No equivalent provision.

(b) A petition requesting the annexation of a defined area signed by a majority in value of the owners of land in the defined area, as shown by the tax rolls of the central appraisal district of the county or counties in which such area is located, [~~or signed by 50 landowners if the number of landowners is more than 50,~~] shall describe the land by metes and bounds or by lot and block number if there is a recorded plat of the area and shall be filed with the secretary of the board.

SECTION 5. Section 54.014, Water Code, is amended to read as follows:

No equivalent provision.

Sec. 54.014. PETITION. When it is proposed to create a district, a petition requesting creation shall be filed with the commission. The petition shall be signed by a majority in value of the holders of title of the land within the proposed district, as indicated by the tax rolls of the central appraisal district. [~~If there are more than 50 persons holding title to the land in the proposed district, as indicated by the tax rolls of the central appraisal district, the petition is sufficient if it is signed by 50 holders of title to the land.~~]

SECTION 6. Section 54.016(a), Water Code, is amended to read as follows:

No equivalent provision.

(a) No land within the corporate limits of a city or within the extraterritorial jurisdiction of a city, shall be included in a district unless the city grants its written consent, by resolution or ordinance, to the inclusion of the land within the district in accordance with Section 42.042, Local Government Code, and

this section. The request to a city for its written consent to the creation of a district, shall be signed by a majority in value of the holders of title of the land within the proposed district as indicated by the county tax rolls ~~or, if there are more than 50 persons holding title to the land in the proposed district as indicated by the county tax rolls, the request to the city will be sufficient if it is signed by 50 holders of title to the land in the district~~. A petition for the written consent of a city to the inclusion of land within a district shall describe the boundaries of the land to be included in the district by metes and bounds or by lot and block number, if there is a recorded map or plat and survey of the area, and state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition. If, at the time a petition is filed with a city for creation of a district, the district proposes to connect to a city's water or sewer system or proposes to contract with a regional water and wastewater provider which has been designated as such by the commission as of the date such petition is filed, to which the city has made a capital contribution for the water and wastewater facilities serving the area, the proposed district shall be designated as a "city service district." If such proposed district does not meet the criteria for a city service district at the time the petition seeking creation is filed, such district shall be designated as a "noncity service district." The city's consent shall not place any restrictions or conditions on the creation of a noncity service district as defined by Chapter 54 of the Texas Water Code other than those expressly provided in Subsection (e) of this section and shall specifically not limit the amounts of the district's bonds. A city may not require annexation as a consent to creation of any district. A city shall not refuse to approve a district bond issue for any reason except that the district is not in compliance with valid consent requirements applicable to the district. If a city grants its written consent without the concurrence of the applicant to the creation of a noncity service district containing conditions or restrictions that the petitioning land owner or owners reasonably believe exceed the city's powers, such land owner or owners may petition the commission to create the district and to modify the conditions and restrictions of the city's consent. The commission may

declare any provision of the consent to be null and void.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 3. Same as engrossed version.