

Suspending limitations on conference committee
jurisdiction, S.B. No. 2014 (Creighton/Schubert)

By: Schubert

H.R. No. 2619

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 85th Legislature, Regular Session, 2017, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on Senate Bill 2014 (the administration of
6 certain water districts) to consider and take action on the
7 following matter:

8 (1) House Rule 13, Section 9(a)(1), is suspended to permit
9 the committee to amend text not in disagreement in proposed SECTION
10 5 of the bill, in amended Section 54.016(a), Water Code, to read as
11 follows:

12 (a) No land within the corporate limits of a city or within
13 the extraterritorial jurisdiction of a city, shall be included in a
14 district unless the city grants its written consent, by resolution
15 or ordinance, to the inclusion of the land within the district in
16 accordance with Section 42.042, Local Government Code, and this
17 section. The request to a city for its written consent to the
18 creation of a district, shall be signed by a majority in value of
19 the holders of title of the land within the proposed district as
20 indicated by the county tax rolls [~~or, if there are more than 50~~
21 ~~persons holding title to the land in the proposed district as~~
22 ~~indicated by the county tax rolls, the request to the city will be~~
23 ~~sufficient if it is signed by 50 holders of title to the land in the~~
24 ~~district]~~. A petition for the written consent of a city to the

1 inclusion of land within a district shall describe the boundaries
2 of the land to be included in the district by metes and bounds or by
3 lot and block number, if there is a recorded map or plat and survey
4 of the area, and state the general nature of the work proposed to be
5 done, the necessity for the work, and the cost of the project as
6 then estimated by those filing the petition. If, at the time a
7 petition is filed with a city for creation of a district, the
8 district proposes to connect to a city's water or sewer system or
9 proposes to contract with a regional water and wastewater provider
10 which has been designated as such by the commission as of the date
11 such petition is filed, to which the city has made a capital
12 contribution for the water and wastewater facilities serving the
13 area, the proposed district shall be designated as a "city service
14 district." If such proposed district does not meet the criteria for
15 a city service district at the time the petition seeking creation is
16 filed, such district shall be designated as a "noncity service
17 district." The city's consent shall not place any restrictions or
18 conditions on the creation of a noncity service district as defined
19 by this chapter [~~Chapter 54 of the Texas Water Code~~] other than
20 those expressly provided in Subsection (e) of this section and
21 shall specifically not limit the amounts of the district's bonds. A
22 city may not require annexation as a consent to creation of any
23 district. A city shall not refuse to approve a district bond issue
24 for any reason except that the district is not in compliance with
25 valid consent requirements applicable to the district. If a city
26 grants its written consent without the concurrence of the applicant
27 to the creation of a noncity service district containing conditions

1 or restrictions that the petitioning land owner or owners
2 reasonably believe exceed the city's powers, such land owner or
3 owners may petition the commission to create the district and to
4 modify the conditions and restrictions of the city's consent. The
5 commission may declare any provision of the consent to be null and
6 void. The commission may approve the creation of a district that
7 includes any portion of the land covered by the city's consent to
8 creation of the district. The legislature may create and may
9 validate the creation of a district that includes any portion of the
10 land covered by the city's consent to the creation of the district.

11 Explanation: The change is necessary to clarify that a
12 request to a city for its written consent to the inclusion of land
13 within a district in accordance with Section 42.042, Local
14 Government Code, shall be signed by a majority in value of the
15 holders of title of the land within the proposed district as
16 indicated by the county tax rolls.

17 (2) House Rule 13, Section 9(a)(4), is suspended to permit
18 the committee to add text on a matter not included in either the
19 house or senate version of the bill by adding proposed SECTIONS 3
20 and 4 to the bill to read as follows:

21 SECTION 3. Section 49.302(b), Water Code, is amended to
22 read as follows:

23 (b) A petition requesting the annexation of a defined area
24 signed by a majority in value of the owners of land in the defined
25 area, as shown by the tax rolls of the central appraisal district of
26 the county or counties in which such area is located, [~~or signed by~~
27 ~~50 landowners if the number of landowners is more than 50,~~] shall

1 describe the land by metes and bounds or by lot and block number if
2 there is a recorded plat of the area and shall be filed with the
3 secretary of the board.

4 SECTION 4. Section 54.014, Water Code, is amended to read as
5 follows:

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

15 Explanation: The change is necessary to change the petition
16 requirements for creation of or annexation of land to certain
17 special purpose districts.