

By: Lucio

S.B. No. 1987

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the notice requirements for bills proposing the
3 creation of or annexation of land to certain special purpose
4 districts.

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

6 SECTION 1. The heading to Section 313.006, Government Code,
7 is amended to read as follows:

8 Sec. 313.006. NOTICE FOR LAWS ESTABLISHING OR ADDING
9 TERRITORY TO MUNICIPAL MANAGEMENT DISTRICTS.

10 SECTION 2. Section 313.006, Government Code, is amended by
11 amending Subsections (a), (b), and (d) and adding Subsections (e)
12 and (f) to read as follows:

13 (a) In addition to the other requirements of this chapter, a
14 person, other than a member of the legislature, who intends to apply
15 for the passage of a law establishing or adding territory to a
16 special district that incorporates a power from Chapter 375, Local
17 Government Code, must provide notice as provided by this section.

18 (b) The person shall notify by mail each person who owns
19 real property [~~in the~~] proposed to be included in a new district or
20 to be added to an existing district, according to the most recent
21 certified tax appraisal roll for the county in which the real
22 property is owned. The notice, properly addressed with postage
23 paid, must be deposited with the United States Postal Service not
24 later than the 30th day before the date on which the intended law is

1 introduced in the legislature.

2 (d) The person is not required to mail notice under
3 Subsection (b) or (e) to a person who owns real property in the
4 proposed district or in the area proposed to be added to a district
5 if the property cannot be subject to an assessment by the district.

6 (e) After the introduction of a law in the legislature
7 establishing or adding territory to a special district that
8 incorporates a power from Chapter 375, Local Government Code, the
9 person shall mail to each person who owns real property proposed to
10 be included in a new district or to be added to an existing district
11 a notice that the legislation has been introduced, including the
12 applicable bill number. The notice, properly addressed with
13 postage paid, must be deposited with the United States Postal
14 Service not later than the 30th day after the date on which the
15 intended law is introduced in the legislature. If the person has
16 not mailed the notice required under this subsection on the 31st day
17 after the date on which the intended law is introduced in the
18 legislature, the person may cure the deficiency by immediately
19 mailing the notice, but the person shall in no event mail the notice
20 later than the date on which the intended law is reported out of
21 committee in the chamber other than the chamber in which the
22 intended law was introduced. If similar bills are filed in both
23 chambers of the legislature, a person is only required to provide a
24 single notice under this subsection not later than the 30th day
25 after the date the first of the bills is filed.

26 (f) A landowner may waive any notice required under this
27 section at any time.

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

3 (b) The petition must be signed by[+
4 [~~(1)~~] the owners of a majority of the assessed value of
5 the real property in the proposed district, according to the most
6 recent certified county property tax rolls[~~, or~~
7 [~~(2)~~ 50 persons who own real property in the proposed
8 district if, according to the most recent certified county property
9 tax rolls, more than 50 persons own real property in the proposed
10 district].

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

13 (b) A petition requesting the annexation of a defined area
14 signed by a majority in value of the owners of land in the defined
15 area, as shown by the tax rolls of the central appraisal district of
16 the county or counties in which such area is located, [~~or signed by~~
17 ~~50 landowners if the number of landowners is more than 50,~~] shall
18 describe the land by metes and bounds or by lot and block number if
19 there is a recorded plat of the area and shall be filed with the
20 secretary of the board.

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

23 Sec. 54.014. PETITION. When it is proposed to create a
24 district, a petition requesting creation shall be filed with the
25 commission. The petition shall be signed by a majority in value of
26 the holders of title of the land within the proposed district, as
27 indicated by the tax rolls of the central appraisal district. [~~if~~

1 ~~there are more than 50 persons holding title to the land in the~~
2 ~~proposed district, as indicated by the tax rolls of the central~~
3 ~~appraisal district, the petition is sufficient if it is signed by 50~~
4 ~~holders of title to the land.]~~

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

7 (a) No land within the corporate limits of a city or within
8 the extraterritorial jurisdiction of a city, shall be included in a
9 district unless the city grants its written consent, by resolution
10 or ordinance, to the inclusion of the land within the district in
11 accordance with Section 42.042, Local Government Code, and this
12 section. The request to a city for its written consent to the
13 creation of a district, shall be signed by a majority in value of
14 the holders of title of the land within the proposed district as
15 indicated by the county tax rolls [~~or, if there are more than 50~~
16 ~~persons holding title to the land in the proposed district as~~
17 ~~indicated by the county tax rolls, the request to the city will be~~
18 ~~sufficient if it is signed by 50 holders of title to the land in the~~
19 ~~district]~~. A petition for the written consent of a city to the
20 inclusion of land within a district shall describe the boundaries
21 of the land to be included in the district by metes and bounds or by
22 lot and block number, if there is a recorded map or plat and survey
23 of the area, and state the general nature of the work proposed to be
24 done, the necessity for the work, and the cost of the project as
25 then estimated by those filing the petition. If, at the time a
26 petition is filed with a city for creation of a district, the
27 district proposes to connect to a city's water or sewer system or

1 proposes to contract with a regional water and wastewater provider
2 which has been designated as such by the commission as of the date
3 such petition is filed, to which the city has made a capital
4 contribution for the water and wastewater facilities serving the
5 area, the proposed district shall be designated as a "city service
6 district." If such proposed district does not meet the criteria for
7 a city service district at the time the petition seeking creation is
8 filed, such district shall be designated as a "noncity service
9 district." The city's consent shall not place any restrictions or
10 conditions on the creation of a noncity service district as defined
11 by Chapter 54 of the Texas Water Code other than those expressly
12 provided in Subsection (e) of this section and shall specifically
13 not limit the amounts of the district's bonds. A city may not
14 require annexation as a consent to creation of any district. A city
15 shall not refuse to approve a district bond issue for any reason
16 except that the district is not in compliance with valid consent
17 requirements applicable to the district. If a city grants its
18 written consent without the concurrence of the applicant to the
19 creation of a noncity service district containing conditions or
20 restrictions that the petitioning land owner or owners reasonably
21 believe exceed the city's powers, such land owner or owners may
22 petition the commission to create the district and to modify the
23 conditions and restrictions of the city's consent. The commission
24 may declare any provision of the consent to be null and void.

25 SECTION 7. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2017.