

1-1 By: Lucio S.B. No. 1987
1-2 (In the Senate - Filed March 10, 2017; March 27, 2017, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 5, 2017, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0,
1-6 1 present not voting; April 5, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Lucio	X		
1-10	Bettencourt	X		
1-11	Campbell	X		
1-12	Garcia	X		
1-13	Huffines			X
1-14	Menéndez	X		
1-15	Taylor of Collin	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1987 By: Lucio

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the notice requirements for bills proposing the
1-20 creation of or annexation of land to certain special purpose
1-21 districts.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Section 313.006, Government Code,
1-24 is amended to read as follows:

1-25 Sec. 313.006. NOTICE FOR LAWS ESTABLISHING OR ADDING
1-26 TERRITORY TO MUNICIPAL MANAGEMENT DISTRICTS.

1-27 SECTION 2. Section 313.006, Government Code, is amended by
1-28 amending Subsections (a), (b), and (d) and adding Subsections (e)
1-29 and (f) to read as follows:

1-30 (a) In addition to the other requirements of this chapter, a
1-31 person, other than a member of the legislature, who intends to apply
1-32 for the passage of a law establishing or adding territory to a
1-33 special district that incorporates a power from Chapter 375, Local
1-34 Government Code, must provide notice as provided by this section.

1-35 (b) The person shall notify by mail each person who owns
1-36 real property ~~[in the]~~ proposed to be included in a new district or
1-37 to be added to an existing district, according to the most recent
1-38 certified tax appraisal roll for the county in which the real
1-39 property is owned. The notice, properly addressed with postage
1-40 paid, must be deposited with the United States Postal Service not
1-41 later than the 30th day before the date on which the intended law is
1-42 introduced in the legislature.

1-43 (d) The person is not required to mail notice under
1-44 Subsection (b) or (e) to a person who owns real property in the
1-45 proposed district or in the area proposed to be added to a district
1-46 if the property cannot be subject to an assessment by the district.

1-47 (e) After the introduction of a law in the legislature
1-48 establishing or adding territory to a special district that
1-49 incorporates a power from Chapter 375, Local Government Code, the
1-50 person shall mail to each person who owns real property proposed to
1-51 be included in a new district or to be added to an existing district
1-52 a notice that the legislation has been introduced, including the
1-53 applicable bill number. The notice, properly addressed with
1-54 postage paid, must be deposited with the United States Postal
1-55 Service not later than the 30th day after the date on which the
1-56 intended law is introduced in the legislature. If the person has
1-57 not mailed the notice required under this subsection on the 31st day
1-58 after the date on which the intended law is introduced in the
1-59 legislature, the person may cure the deficiency by immediately
1-60 mailing the notice, but the person shall in no event mail the notice

later than the date on which the intended law is reported out of committee in the chamber other than the chamber in which the intended law was introduced. If similar bills are filed in both chambers of the legislature, a person is only required to provide a single notice under this subsection not later than the 30th day after the date the first of the bills is filed.

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

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

(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:

(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:

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:

(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

3-1 filed, such district shall be designated as a "noncity service
3-2 district." The city's consent shall not place any restrictions or
3-3 conditions on the creation of a noncity service district as defined
3-4 by Chapter 54 of the Texas Water Code other than those expressly
3-5 provided in Subsection (e) of this section and shall specifically
3-6 not limit the amounts of the district's bonds. A city may not
3-7 require annexation as a consent to creation of any district. A city
3-8 shall not refuse to approve a district bond issue for any reason
3-9 except that the district is not in compliance with valid consent
3-10 requirements applicable to the district. If a city grants its
3-11 written consent without the concurrence of the applicant to the
3-12 creation of a noncity service district containing conditions or
3-13 restrictions that the petitioning land owner or owners reasonably
3-14 believe exceed the city's powers, such land owner or owners may
3-15 petition the commission to create the district and to modify the
3-16 conditions and restrictions of the city's consent. The commission
3-17 may declare any provision of the consent to be null and void.

3-18 SECTION 7. This Act takes effect immediately if it receives
3-19 a vote of two-thirds of all the members elected to each house, as
3-20 provided by Section 39, Article III, Texas Constitution. If this
3-21 Act does not receive the vote necessary for immediate effect, this
3-22 Act takes effect September 1, 2017.

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