

AN ACT

relating to the notice and procedural requirements for bills proposing the creation of or annexation of land to certain special purpose districts.

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

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

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

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

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

(b) The person shall notify by mail each person who owns real property [~~in the~~] proposed to be included in a new district or to be added to an existing district, according to the most recent certified tax appraisal roll for the county in which the real property is owned. The notice, properly addressed with postage paid, must be deposited with the United States Postal Service not 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

S.B. No. 1987

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1987 passed the Senate on April 11, 2017, by the following vote: Yeas 31, Nays 0; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1987 passed the House, with amendments, on May 24, 2017, by the following vote: Yeas 146, Nays 0, two present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 28, 2017, House adopted Conference Committee Report by the following vote: Yeas 147, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor