

BILL ANALYSIS

C.S.H.B. 4047
By: Workman
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested stakeholders suggest that additional protections should be provided regarding the municipal annexation of certain special districts. C.S.H.B. 4047 seeks to address these concerns by changing the law regarding the requirements for annexation by a municipality of certain special districts.

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.H.B. 4047 amends the Special District Local Laws Code to remove the authorization for a municipality to annex the Travis County Municipal Utility District Nos. 3, 4, 5, 6, 7, 8, or 9, respectively, on the earlier of certain dates. The bill instead requires the governing body of a municipality that plans to annex all or part of such a district, or of the Travis County Water Control and Improvement District No. 19, to first adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and to the other districts. The bill requires the respective districts, on receipt of the resolution, to call an election to be held on the next uniform election date on the question of whether the annexation should be authorized. The bill authorizes the municipality to annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation. The bill requires the municipality seeking annexation to pay the costs of the elections.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4047 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

85R 27760

17.122.445

Substitute Document Number: 85R 14244

SECTION 1. Section 8395.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8395.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 4;
- (2) Travis County Municipal Utility District No. 5;
- (3) Travis County Municipal Utility District No. 6;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8; and
- (6) Travis County Municipal Utility District No. 9.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described by the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

[1] the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

[(A) provide service to the proposed development within the district;

[(B) accomplish the purposes for which the district was created; and

[(C) exercise the powers provided by general law and this chapter; or

[(2) the 20th anniversary of the date the district was confirmed].

SECTION 2. Section 8396.151, Special District Local Laws Code, is amended to

SECTION 1. Section 8395.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8395.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 4;
- (2) Travis County Municipal Utility District No. 5;
- (3) Travis County Municipal Utility District No. 6;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8;
- (6) Travis County Municipal Utility District No. 9; and
- (7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described by the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

[1] the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

[(A) provide service to the proposed development within the district;

[(B) accomplish the purposes for which the district was created; and

[(C) exercise the powers provided by general law and this chapter; or

[(2) the 20th anniversary of the date the district was confirmed].

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read as follows:

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- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 5;
- (3) Travis County Municipal Utility District No. 6;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8; and
- (6) Travis County Municipal Utility District No. 9.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

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(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

[(A) provide service to the proposed development within the district;

[(B) accomplish the purposes for which the district was created; and

[(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed].

SECTION 3. Section 8397.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8397.151. ANNEXATION BY

read as follows:

Sec. 8396.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 5;
- (3) Travis County Municipal Utility District No. 6;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8;
- (6) Travis County Municipal Utility District No. 9; and
- (7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

[(A) provide service to the proposed development within the district;

[(B) accomplish the purposes for which the district was created; and

[(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed].

SECTION 3. Section 8397.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8397.151. ANNEXATION BY

MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 6;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8; and
- (6) Travis County Municipal Utility District No. 9.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

[(A) provide service to the proposed development within the district;

[(B) accomplish the purposes for which the district was created; and

[(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed].

SECTION 4. Section 8398.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8398.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may]

MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 6;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8;
- (6) Travis County Municipal Utility District No. 9; and
- (7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

[(A) provide service to the proposed development within the district;

[(B) accomplish the purposes for which the district was created; and

[(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed].

SECTION 4. Section 8398.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8398.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may]

annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 5;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8; and
- (6) Travis County Municipal Utility District No. 9.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

[(A) provide service to the proposed development within the district;

[(B) accomplish the purposes for which the district was created; and

[(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed].

SECTION 5. Section 8399.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8399.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all

annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 5;
- (4) Travis County Municipal Utility District No. 7;
- (5) Travis County Municipal Utility District No. 8;
- (6) Travis County Municipal Utility District No. 9; and
- (7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

[(A) provide service to the proposed development within the district;

[(B) accomplish the purposes for which the district was created; and

[(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed].

SECTION 5. Section 8399.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8399.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all

or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 5;
- (4) Travis County Municipal Utility District No. 6;
- (5) Travis County Municipal Utility District No. 8; and
- (6) Travis County Municipal Utility District No. 9.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section ~~[on the earlier of:~~

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created; and~~

~~[(C) exercise the powers provided by general law and this chapter; or~~

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION 6. Section 8400.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8400.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following

or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 5;
- (4) Travis County Municipal Utility District No. 6;
- (5) Travis County Municipal Utility District No. 8;
- (6) Travis County Municipal Utility District No. 9; and

(7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section ~~[on the earlier of:~~

~~[(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:~~

~~[(A) provide service to the proposed development within the district;~~

~~[(B) accomplish the purposes for which the district was created; and~~

~~[(C) exercise the powers provided by general law and this chapter; or~~

~~[(2) the 20th anniversary of the date the district was confirmed].~~

SECTION 6. Section 8400.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8400.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following

districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 5;
- (4) Travis County Municipal Utility District No. 6;
- (5) Travis County Municipal Utility District No. 7; and
- (6) Travis County Municipal Utility District No. 9.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

[(A) provide service to the proposed development within the district;

[(B) accomplish the purposes for which the district was created; and

[(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed].

SECTION 7. Section 8401.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8401.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District

districts:

- (1) Travis County Municipal Utility District No. 3;
- (2) Travis County Municipal Utility District No. 4;
- (3) Travis County Municipal Utility District No. 5;
- (4) Travis County Municipal Utility District No. 6;
- (5) Travis County Municipal Utility District No. 7;
- (6) Travis County Municipal Utility District No. 9; and
- (7) Travis County Water Control and Improvement District No. 19.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section [on the earlier of:

(1) the installation of 90 percent of all works, improvements, facilities, plants, equipment, and appliances necessary and adequate to:

[(A) provide service to the proposed development within the district;

[(B) accomplish the purposes for which the district was created; and

[(C) exercise the powers provided by general law and this chapter; or

(2) the 20th anniversary of the date the district was confirmed].

SECTION 7. Section 8401.151, Special District Local Laws Code, is amended to read as follows:

Sec. 8401.151. ANNEXATION BY MUNICIPALITY. (a) The governing body of a [A] municipality that plans to [may] annex all or part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

- (1) Travis County Municipal Utility District

No. 3;
(2) Travis County Municipal Utility District
No. 4;
(3) Travis County Municipal Utility District
No. 5;
(4) Travis County Municipal Utility District
No. 6;
(5) Travis County Municipal Utility District
No. 7; and
(6) Travis County Municipal Utility District
No. 8.

(b) On receipt of a resolution described by
Subsection (a), the district and each of the
districts listed in Subsection (a) shall call an
election to be held on the next uniform
election date on the question of whether the
annexation should be authorized.

(c) The municipality may annex the
territory described in the resolution only if a
majority of the total number of voters voting
in all of the districts' elections vote in favor
of authorizing the annexation.

(d) The municipality seeking annexation
shall pay the costs of the elections held
under this section [~~on the earlier of:~~

~~[(1) the installation of 90 percent of all~~
~~works, improvements, facilities, plants,~~
~~equipment, and appliances necessary and~~
~~adequate to:~~

~~[(A) provide service to the proposed~~
~~development within the district;~~

~~[(B) accomplish the purposes for which the~~
~~district was created; and~~

~~[(C) exercise the powers provided by~~
~~general law and this chapter; or~~

~~[(2) the 20th anniversary of the date the~~
~~district was confirmed].~~

No equivalent provision.

No. 3;
(2) Travis County Municipal Utility District
No. 4;
(3) Travis County Municipal Utility District
No. 5;
(4) Travis County Municipal Utility District
No. 6;
(5) Travis County Municipal Utility District
No. 7;
(6) Travis County Municipal Utility District
No. 8; and
(7) Travis County Water Control and
Improvement District No. 19.

(b) On receipt of a resolution described by
Subsection (a), the district and each of the
districts listed in Subsection (a) shall call an
election to be held on the next uniform
election date on the question of whether the
annexation should be authorized.

(c) The municipality may annex the
territory described in the resolution only if a
majority of the total number of voters voting
in all of the districts' elections vote in favor
of authorizing the annexation.

(d) The municipality seeking annexation
shall pay the costs of the elections held
under this section [~~on the earlier of:~~

~~[(1) the installation of 90 percent of all~~
~~works, improvements, facilities, plants,~~
~~equipment, and appliances necessary and~~
~~adequate to:~~

~~[(A) provide service to the proposed~~
~~development within the district;~~

~~[(B) accomplish the purposes for which the~~
~~district was created; and~~

~~[(C) exercise the powers provided by~~
~~general law and this chapter; or~~

~~[(2) the 20th anniversary of the date the~~
~~district was confirmed].~~

SECTION 8. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9073 to read as follows:

CHAPTER 9073. TRAVIS COUNTY
WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 19;
ANNEXATION

Sec. 9073.001. DEFINITION. In this
chapter, "district" means the Travis County
Water Control and Improvement District
No. 19.

Sec. 9073.002. ANNEXATION BY
MUNICIPALITY. (a) The governing body
of a municipality that plans to annex all or

part of the district first must adopt a resolution of intention to annex all or part of the district and transmit that resolution to the district and the following districts:

(1) Travis County Municipal Utility District No. 3;

(2) Travis County Municipal Utility District No. 4;

(3) Travis County Municipal Utility District No. 5;

(4) Travis County Municipal Utility District No. 6;

(5) Travis County Municipal Utility District No. 7;

(6) Travis County Municipal Utility District No. 8; and

(7) Travis County Municipal Utility District No. 9.

(b) On receipt of a resolution described by Subsection (a), the district and each of the districts listed in Subsection (a) shall call an election to be held on the next uniform election date on the question of whether the annexation should be authorized.

(c) The municipality may annex the territory described in the resolution only if a majority of the total number of voters voting in all of the districts' elections vote in favor of authorizing the annexation.

(d) The municipality seeking annexation shall pay the costs of the elections held under this section.

SECTION 8. This Act takes effect September 1, 2017.

SECTION 9. Same as introduced version.