

CHAPTER 265

H.B. No. 1121

AN ACT

relating to the authority of certain cities to make improvements to their water and sewer systems and to levy assessments for the improvements.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 2(A), Chapter 192, Acts of the 58th Legislature, 1963 (Article 1110c, Vernon's Texas Civil Statutes), is amended to read as follows:

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(A) "City" shall mean any incorporated city, town or village, including home rule cities, *that:*

(1) [which] has all or a major portion of its territory in a county which, at the time any action is taken under the powers herein granted, has a population in excess of 25,000 according to the last preceding Federal Census; or

(2) *is located in a county in which at least 60 percent of the total area is regularly covered by water and in which is located the majority of the total area of a wildlife refuge for species of wildlife on the federal endangered species list.*

SECTION 2. Chapter 192, Acts of the 58th Legislature, 1963 (Article 1110c, Vernon's Texas Civil Statutes), is amended by adding Section 2A to read as follows:

*Sec. 2A. (a) The authority of a city described by Section 2(A)(2) of this Act to provide for the construction of improvements under this Act is limited to the construction of improvements that benefit property in an area:*

*(1) that is subdivided on or after September 1, 1987; and*

*(2) for which a subdivision plat is required to be prepared under Chapter 231, Acts of the 40th Legislature, Regular Session, 1927 (Article 974a, Vernon's Texas Civil Statutes).*

*(b) This Act does not authorize a city described by Section 2(A)(2) of this Act to require a property owner to connect the property to the city sanitary sewer system and does not authorize that type of city to levy an assessment against property or an owner of property if:*

*(1) the disposal of excreta and offal from the property is primarily accomplished by a septic tank; and*

*(2) the property has been serviced continuously by a septic tank, except for periods of nonservice because of repairs to or replacement of a septic tank, since before September 1, 1987.*

*(c) Subsection (b) of this section does not apply if the property owner gives written consent to the requirement that the owner connect the property to the sanitary system or gives written consent to the levy of the assessment.*

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 2, 1987, by a non-record vote. Passed by the Senate on May 14, 1987, by the following vote: Yeas 30, Nays 0.

Approved May 28, 1987.

Effective Sept. 1, 1987.