

CHAPTER 146

S.B. No. 861

AN ACT

relating to the authority of the Little Cypress Utility District to annex land and to the validation of the confirmation election of the district.

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

SECTION 1. Section 3, Chapter 772, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 3. BOUNDARIES. The district is composed of all of the territory within the corporate boundaries of the cities of Longview, Marshall, and Kilgore and of Harrison County on the effective date of this Act. ~~[An area within the extraterritorial jurisdiction of one of those cities that is annexed to that city becomes a part of the district when annexed.]~~

SECTION 2. Chapter 772, Acts of the 69th Legislature, Regular Session, 1985, is amended by adding Section 3A to read as follows:

Sec. 3A. ANNEXATION OF TERRITORY. (a) The governing body of a city not included in the district may adopt a resolution requesting the district to annex the territory of the city, or, if part of a city is included in the district, the city may adopt a resolution requesting the district to annex the remainder of the city.

(b) After receiving a copy of a resolution requesting annexation adopted by the governing body of a city, the board shall hold a public hearing to determine if all or part of the territory described by the resolution should be annexed. The board shall publish notice of the hearing in a newspaper with general circulation in the district and in the area seeking to be annexed not later than the 10th day before the date of the hearing.

(c) After the hearing, if the board finds that the district and the proposed area to be annexed would benefit by annexation, the district may adopt an order either annexing the area or, if an election is required pursuant to Subsection (d) of this section, calling an annexation election.

(d) If the voters of the district have authorized a maintenance tax for the district or the issuance of bonds, or both, an election shall be held in the district and in the area proposed to be annexed to allow the voters of the district and the proposed area to vote on whether the proposed area will be annexed to the district, will assume its proportionate share of the district's indebtedness, and will authorize the maintenance

tax to be collected in the area to be annexed. If an entire city is proposed to be annexed to the district, the election shall be held only in the city to be annexed.

(e) The annexation must be approved by a majority of the voters voting at the election.

SECTION 3. All resolutions, orders, and other acts or attempted acts of the board of directors of the Little Cypress Utility District, including the calling and holding of the confirmation election, the canvassing of the returns, declaring the result of the election, and the appointment and organization of the board are validated in all respects. All the resolutions, orders, and other acts or attempted acts of the board of directors of the district, including the calling and holding of the confirmation election, the canvassing of the returns, declaring the result of the election, and the appointment and organization of the board are valid as though they were legally authorized or accomplished.

SECTION 4. This Act does not apply to or affect litigation now pending in any court of competent jurisdiction in this state to which the Little Cypress Utility District is a party.

SECTION 5. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 9, 1987, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 12, 1987, by the following vote: Yeas 30, Nays 0. Passed the House, with amendment, on May 8, 1987, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved May 21, 1987.

Effective May 21, 1987.