

1-1 By: Jetton, et al. (Senate Sponsor - Kolkhorst) H.B. No. 1154
 1-2 (In the Senate - Received from the House April 26, 2021;
 1-3 May 13, 2021, read first time and referred to Committee on Local
 1-4 Government; May 24, 2021, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 May 24, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1154 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the requirements for meetings held and Internet
 1-22 websites developed by certain special purpose districts.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 403.0241(c), Government Code, is amended
 1-25 to read as follows:

1-26 (c) For each special purpose district described by
 1-27 Subsection (b), the database must include:

1-28 (1) the name of the special purpose district;

1-29 (2) the name of each board member of the special
 1-30 purpose district;

1-31 (3) contact information for the main office of the
 1-32 special purpose district, including the physical address, the
 1-33 mailing address, and the main telephone number;

1-34 (4) if the special purpose district employs a person
 1-35 as a general manager or executive director, or in another position
 1-36 to perform duties or functions comparable to those of a general
 1-37 manager or executive director, the name of the employee;

1-38 (5) if the special purpose district contracts with a
 1-39 utility operator, contact information for a person representing the
 1-40 utility operator, including a mailing address and a telephone
 1-41 number;

1-42 (6) if the special purpose district contracts with a
 1-43 tax assessor-collector, contact information for a person
 1-44 representing the tax assessor-collector, including a mailing
 1-45 address and telephone number;

1-46 (7) the special purpose district's Internet website
 1-47 address or, if the district does not maintain an Internet website,
 1-48 the address of any Internet website or websites the district uses to
 1-49 comply with Section 2051.202 of this code and Section 26.18, Tax
 1-50 Code [,if any];

1-51 (8) the financial information described by Section
 1-52 140.008(b) or (g), Local Government Code, including any revenue
 1-53 obligations;

1-54 (9) the total amount of bonds authorized by the voters
 1-55 of the special purpose district that are payable wholly or partly
 1-56 from ad valorem taxes, excluding refunding bonds if refunding bonds
 1-57 were separately authorized and excluding contract revenue bonds;

1-58 (10) the aggregate initial principal amount of all
 1-59 bonds issued by the special purpose district that are payable
 1-60 wholly or partly from ad valorem taxes, excluding refunding bonds

2-1 and contract revenue bonds;
2-2 (11) the rate of any sales and use tax the special
2-3 purpose district imposes;
2-4 (12) for a special purpose district that imposes an ad
2-5 valorem tax:

2-6 (A) the ad valorem tax rate for the most recent
2-7 tax year if the district is a district as defined by Section 49.001,
2-8 Water Code; or

2-9 (B) the table of ad valorem tax rates for the most
2-10 recent tax year described by Section 26.16, Tax Code, in the form
2-11 required by that section, if the district is not a district as
2-12 defined by Section 49.001, Water Code; and

2-13 (13) a link to the Internet website described by
2-14 Section 49.062(g), Water Code, with a plain-language description of
2-15 how a resident may petition to require that board meetings of
2-16 certain special purpose districts be held not further than 10 miles
2-17 from the boundary of the district.

2-18 SECTION 2. Section 551.1283, Government Code, is amended by
2-19 adding Subsections (d) and (e) to read as follows:

2-20 (d) A district that maintains an Internet website shall post
2-21 on that website links to any other Internet website or websites the
2-22 district uses to comply with Section 2051.202 of this code and
2-23 Section 26.18, Tax Code.

2-24 (e) Nothing in this chapter shall prohibit a district from
2-25 allowing a person to watch or listen to a board meeting by video or
2-26 telephone conference call.

2-27 SECTION 3. Subchapter E, Chapter 2051, Government Code, as
2-28 added by Chapter 1029 (H.B. 305), Acts of the 86th Legislature,
2-29 Regular Session, 2019, is redesignated as Subchapter F, Chapter
2-30 2051, Government Code, and amended to read as follows:

2-31 SUBCHAPTER F [E]. INTERNET WEBSITE

2-32 Sec. 2051.201 [~~2051.151~~]. [~~APPLICABILITY OF SUBCHAPTER.~~
2-33 ~~Except as provided by Section 2051.152(b), this subchapter applies~~
2-34 ~~only to a political subdivision with the authority to impose a tax~~
2-35 ~~that at any time on or after January 1, 2019, maintained a publicly~~
2-36 ~~accessible Internet website.~~

2-37 [~~Sec. 2051.152.~~] INFORMATION REQUIRED ON WEBSITE. (a) This
2-38 section applies only to a political subdivision with the authority
2-39 to impose a tax that:

2-40 (1) at any time on or after January 1, 2019, maintained
2-41 a publicly accessible Internet website; and

2-42 (2) is not subject to Section 2051.202.

2-43 (b) A political subdivision to which this section applies
2-44 shall post on a publicly accessible Internet website the following
2-45 information:

2-46 (1) the political subdivision's contact information,
2-47 including a mailing address, telephone number, and e-mail address;

2-48 (2) each elected officer of the political subdivision;

2-49 (3) the date and location of the next election for
2-50 officers of the political subdivision;

2-51 (4) the requirements and deadline for filing for
2-52 candidacy of each elected office of the political subdivision,
2-53 which shall be continuously posted for at least one year before the
2-54 election day for the office;

2-55 (5) each notice of a meeting of the political
2-56 subdivision's governing body under Subchapter C, Chapter 551; and

2-57 (6) each record of a meeting of the political
2-58 subdivision's governing body under Section 551.021.

2-59 (c) [~~(b)~~] Subsections (b)(5) [~~(a)(5)~~] and (6) do not apply
2-60 to:

2-61 (1) a county with a population of less than 10,000;

2-62 (2) a municipality with a population of less than
2-63 5,000 located in a county with a population of less than 25,000; or

2-64 (3) a school district with a population of less than
2-65 5,000 in the district's boundaries and located in a county with a
2-66 population of less than 25,000.

2-67 Sec. 2051.202. FINANCIAL AND OPERATING INFORMATION OF
2-68 SPECIAL PURPOSE DISTRICTS. (a) In this section, "special purpose
2-69 district" means a political subdivision of this state with

3-1 geographic boundaries that define the subdivision's territorial
 3-2 jurisdiction. The term does not include a municipality, county,
 3-3 junior college district, independent school district, groundwater
 3-4 conservation district, river authority, or political subdivision
 3-5 with statewide jurisdiction.
 3-6 (b) This section applies only to a special purpose district
 3-7 that:
 3-8 (1) is authorized by the state by a general or special
 3-9 law to impose an ad valorem tax;
 3-10 (2) during the most recent fiscal year imposed an ad
 3-11 valorem tax;
 3-12 (3) during the most recent fiscal year:
 3-13 (A) had bonds outstanding;
 3-14 (B) had gross receipts from operations, loans,
 3-15 taxes, or contributions in excess of \$250,000; or
 3-16 (C) had cash and temporary investments in excess
 3-17 of \$250,000; and
 3-18 (4) at the beginning of the most recent fiscal year,
 3-19 had a population of 500 or more, as determined by the governing body
 3-20 of the special purpose district.
 3-21 (c) Notwithstanding Subsections (a) and (b), this section
 3-22 applies to a district created and operating under Chapter 387,
 3-23 Local Government Code.
 3-24 (d) A special purpose district shall post or cause to be
 3-25 posted on an Internet website the following information, if
 3-26 applicable:
 3-27 (1) the name of the special purpose district;
 3-28 (2) the name and term of office of each member of the
 3-29 governing body of the special purpose district;
 3-30 (3) the contact information for the main office of the
 3-31 special purpose district, including the physical address, the
 3-32 mailing address, and the telephone number;
 3-33 (4) the official contact information for each member
 3-34 of the governing body of the special purpose district;
 3-35 (5) if the special purpose district employs a person
 3-36 as a general manager or executive director, or in another position
 3-37 to perform duties or functions comparable to those of a general
 3-38 manager or executive director, the name of the general manager,
 3-39 executive director, or person that performs those duties;
 3-40 (6) if the special purpose district contracts with a
 3-41 utility operator, the contact information for a person representing
 3-42 the utility operator, including a mailing address and telephone
 3-43 number;
 3-44 (7) if the special purpose district contracts with a
 3-45 tax assessor-collector, the contact information for a person
 3-46 representing the tax assessor-collector, including a mailing
 3-47 address and telephone number;
 3-48 (8) if the special purpose district imposes an ad
 3-49 valorem tax, the rate of the ad valorem tax of the special purpose
 3-50 district;
 3-51 (9) if the special purpose district imposes a sales
 3-52 and use tax, the rate of the sales and use tax of the special purpose
 3-53 district;
 3-54 (10) any notice of tax hearing required to be given
 3-55 under Chapter 26, Tax Code, or Section 49.236, Water Code;
 3-56 (11) the location and schedule of meetings of the
 3-57 governing body of the special purpose district;
 3-58 (12) a statement substantially similar to the
 3-59 following: "Residents of the district have the right to request the
 3-60 designation of a meeting location within the district under Section
 3-61 49.062(g), Water Code. A description of this process can be found at
 3-62 (insert link to the Internet website described by Section
 3-63 49.062(g), Water Code).";
 3-64 (13) each notice of a meeting of the governing body of
 3-65 the special purpose district under Subchapter C, Chapter 551, for
 3-66 meetings conducted in the current calendar year and the immediately
 3-67 preceding calendar year;
 3-68 (14) the minutes of a public meeting of the governing
 3-69 body of the special purpose district under Section 551.021 for

4-1 meetings conducted in the current calendar year and the immediately
4-2 preceding calendar year; and
4-3 (15) the most recent financial audit of the special
4-4 purpose district.

4-5 SECTION 4. Section 49.062, Water Code, is amended by
4-6 amending Subsection (b) and adding Subsection (b-1) to read as
4-7 follows:

4-8 (b) Except as provided by Subsection (b-1), the [The] board
4-9 shall designate one or more places inside or outside the district
4-10 for conducting the meetings of the board. The meeting place may be a
4-11 private residence or office, provided that the board, in its order
4-12 establishing the meeting place, declares the same to be a public
4-13 place and invites the public to attend any meeting of the board. If
4-14 the board establishes a meeting place or places outside the
4-15 district, it shall give notice of the location or locations by
4-16 filing a true copy of the resolution establishing the location or
4-17 locations of the meeting place or places and a justification of why
4-18 the meeting will not be held in the district or within 10 miles of
4-19 the boundary of the district, if applicable, with the commission
4-20 and also by publishing notice of the location or locations in a
4-21 newspaper of general circulation in the district. If the location
4-22 of any of the meeting places outside the district is changed, notice
4-23 of the change shall be given in the same manner.

4-24 (b-1) In this subsection, "rural area district" means a
4-25 district in which more than half of the district's projected retail
4-26 water or sewer connections are active and that is not wholly or
4-27 partly located in a county that as of the 2010 Census had a
4-28 population of 800,000 or more or bordered a county with a population
4-29 of 800,000 or more. If the board of a rural area district conducts
4-30 meetings at least quarterly, the board shall conduct a meeting at a
4-31 designated meeting location inside the district or within 10 miles
4-32 of the boundary of the district at least once per quarter. If the
4-33 board determines that it is not practical to meet within 10 miles of
4-34 the boundary of the district, the district may conduct the
4-35 quarterly meeting at another designated meeting place in the county
4-36 in which the district is located.

4-37 SECTION 5. Section 49.0631, Water Code, is amended to read
4-38 as follows:

4-39 Sec. 49.0631. DISTRICT [MEETING] INFORMATION ON WATER BILL.
4-40 A district providing potable water or sewer service shall as a part
4-41 of the district's billing process include on a district's bill to a
4-42 customer the following statement: "For more information about the
4-43 district, including information about the district's board and
4-44 board meetings, please go to the Comptroller's Special Purpose
4-45 District Public Information Database or (district's Internet
4-46 website if the district maintains an Internet website, or, if the
4-47 district does not maintain an Internet website, the Internet
4-48 website or websites the district uses to comply with Section
4-49 2051.202, Government Code, and Section 26.18, Tax Code)." The
4-50 statement may be altered to provide the current Internet website
4-51 address of [either] the database created under Section 403.0241,
4-52 Government Code, [or] the district, or the Internet website or
4-53 websites the district uses to comply with Section 2051.202,
4-54 Government Code, and Section 26.18, Tax Code.

4-55 SECTION 6. Sections 2051.202(d)(13) and (14), Government
4-56 Code, as added by this Act, apply only to a meeting held by a special
4-57 purpose district on or after the effective date of this Act.

4-58 SECTION 7. To the extent of any conflict, this Act prevails
4-59 over another Act of the 87th Legislature, Regular Session, 2021,
4-60 relating to nonsubstantive additions to and corrections in enacted
4-61 codes.

4-62 SECTION 8. This Act takes effect September 1, 2021.

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