

By: Hall

S.B. No. 2192

A BILL TO BE ENTITLED

AN ACT

relating to the notice and petition for the creation of a municipal utility district in certain counties.

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

SECTION 1. Sections 54.001(4) and (5), Water Code, are amended to read as follows:

(4) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(5) "Executive director" means the executive director of the commission ~~[Texas Natural Resource Conservation Commission]~~.

SECTION 2. Subchapter B, Chapter 54, Water Code, is amended by adding Section 54.0135 to read as follows:

Sec. 54.0135. PRE-PETITION NOTICE TO CERTAIN COUNTIES. (a) This section applies only to a proposed district described by Section 54.0161(a).

(b) Before a petition requesting creation of a proposed district is filed with the commission under Section 54.014, notice must be sent by certified mail to the commissioners court of each county in which the proposed district is to be located. The notice must:

(1) describe the boundaries of the proposed district by metes and bounds or by lot and block number if there is a recorded map or plat and survey of the area to be included in the district;

1 and

2 (2) inform the commissioners court of the right to:

3 (A) respond to the notice provided under this
4 section;

5 (B) review the petition requesting creation of
6 the proposed district; and

7 (C) submit a written opinion on the creation of
8 the proposed district under Section 54.0161.

9 (c) Notice under this section must be sent by certified mail
10 at least 90 days before the date a petition requesting creation of
11 the proposed district is filed with the commission under Section
12 54.014.

13 (d) A commissioners court may respond to a notice required
14 under this section. If a commissioners court does not respond to
15 the notice by the date a petition requesting creation of the
16 proposed district is filed with the commission under Section
17 54.014, there is a rebuttable presumption that the commissioners
18 court supports the creation of the district.

19 SECTION 3. Section 54.015, Water Code, is amended to read as
20 follows:

21 Sec. 54.015. CONTENTS OF PETITION. The petition shall:

22 (1) describe the boundaries of the proposed district
23 by metes and bounds or by lot and block number, if there is a
24 recorded map or plat and survey of the area;

25 (2) state the general nature of the work proposed to be
26 done, the necessity for the work, and the cost of the project as
27 then estimated by those filing the petition; ~~and~~

1 (3) include a name of the district which shall be
2 generally descriptive of the locale of the district followed by the
3 words Municipal Utility District, or if a district is located
4 within one county, it may be designated "_____ County
5 Municipal Utility District No. _____." (Insert the name of the
6 county and proper consecutive number.) The proposed district shall
7 not have the same name as any other district in the same county; and

8 (4) for a district described by Section 54.0161,
9 include a copy of:

10 (A) the notice described by Section 54.0135; and

11 (B) any response to the notice provided by the
12 commissioners court.

13 SECTION 4. Section 54.0135, Water Code, as added by this
14 Act, and Section 54.015, Water Code, as amended by this Act, apply
15 only to the creation of a municipal utility district on or after the
16 effective date of this Act. A petition requesting creation of a
17 municipal utility district pending before the Texas Commission on
18 Environmental Quality on the effective date of this Act is governed
19 by the law in effect on the date the petition was filed, and the
20 former law is continued in effect for that purpose.

21 SECTION 5. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2023.