

By: Harless

H.B. No. 1548

A BILL TO BE ENTITLED

AN ACT

relating to comprehensive reviews of certain special districts.

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

SECTION 1. Title 1, Special District Local Laws Code, is amended by adding Chapter 2 to read as follows:

CHAPTER 2. COMPREHENSIVE REVIEW OF CERTAIN SPECIAL DISTRICTS

Sec. 2.001. DEFINITION. In this chapter, "special district" means a political subdivision of this state that has a limited geographic area, is created by local law or under general law for a special purpose, and is authorized to impose a tax, assessment, or fee. The term does not include:

(1) a school district; or

(2) a junior college district.

Sec. 2.002. COMPREHENSIVE REVIEW REQUIRED. (a) At least once every six years, the governing body of a special district that has outstanding debt or imposes a tax, assessment, or fee shall conduct a comprehensive review of the district under this chapter.

(b) The governing body of a special district that issues debt or imposes a tax, assessment, or fee for the first time on or after September 1, 2015, shall conduct the first comprehensive review not later than the third anniversary of the date the governing body issues the debt or imposes the tax, assessment, or fee.

Sec. 2.003. COMPREHENSIVE SELF-EVALUATION REPORT. (a)

1 After conducting the review, the governing body must publish a
2 written self-evaluation report not later than the 30th day before
3 the date of the public hearing required by Section 2.005.

4 (b) Except as provided by Subsection (c), the
5 self-evaluation report must include:

6 (1) an identification of the statutory provision
7 authorizing the special district;

8 (2) an identification of the purpose of the special
9 district and an assessment of the extent to which the purpose has
10 been achieved, has failed to be achieved, or is continuing to be
11 achieved;

12 (3) an identification of the activities of the special
13 district that overlap or duplicate those of other governmental
14 entities;

15 (4) an identification of each tax, assessment, fee, or
16 penalty that the special district is authorized to impose or
17 collect;

18 (5) a statement of the revenue collected by the
19 special district and an assessment of whether the revenue exceeds
20 the amount needed to accomplish the purpose of the district; and

21 (6) an identification of the special district's
22 financial liabilities, including bonds and other obligations.

23 (c) Instead of replicating in the self-evaluation report
24 information required by Subsection (b) that is posted separately on
25 the special district's Internet website, or on a website as
26 authorized by Section 2.006(b)(2), the district may provide in the
27 report a direct link to, or a clear statement describing the

1 location of, the separately posted information.

2 (d) The governing body must make the self-evaluation report
3 available for inspection by any person. The governing body must
4 take action to ensure that the self-evaluation report is posted
5 continuously on the special district's Internet website, or on a
6 website as authorized by Section 2.006(b)(2).

7 Sec. 2.004. NOTICE OF HEARING. (a) Not earlier than the
8 30th day or later than the 15th day before the date of the hearing
9 required by Section 2.005, the governing body of the special
10 district shall take action to ensure that the notice of the hearing
11 is published in at least one newspaper of general circulation in the
12 county in which the district is located and on the district's
13 Internet website, or on a website as authorized by Section
14 2.006(b)(2). The notice on the website must remain posted until the
15 conclusion of the hearing.

16 (b) The notice must contain a statement in the following
17 form:

18 "NOTICE OF PUBLIC MEETING TO CONSIDER THE COMPREHENSIVE
19 SELF-EVALUATION REPORT OF THE (INSERT NAME OF SPECIAL DISTRICT)

20 "The (insert name of the district) was created in (insert
21 year) to (insert purpose for district's creation). The district
22 imposes a (insert type of tax, assessment, or fee, as appropriate,
23 and the appropriate rate or amount). State law requires the
24 district to hold a hearing at least every six years to consider the
25 district's comprehensive self-evaluation report. The hearing will
26 be held on (insert date) at (insert time) at (insert location). A
27 copy of the district's comprehensive self-evaluation report is

1 available at (insert the physical address of the district's main
2 office, or the physical address of the main office of another local
3 political subdivision if the district does not maintain an office,
4 and the website address where the comprehensive self-evaluation
5 report is posted)."

6 Sec. 2.005. PUBLIC HEARING. (a) The governing body of a
7 special district must conduct a public hearing at which persons
8 interested in the self-evaluation report are given the opportunity
9 to be heard.

10 (b) Not later than the 10th day after the date of the public
11 hearing, the governing body shall take action to ensure that the
12 following is posted on the special district's Internet website, or
13 on a website as authorized by Section 2.006(b)(2):

14 (1) the minutes of the hearing;

15 (2) the estimated number of members of the public in
16 attendance at the hearing; and

17 (3) the number of witnesses testifying at the hearing.

18 Sec. 2.006. INTERNET WEBSITE. (a) Except as provided by
19 Subsection (b), a special district shall maintain or cause to be
20 maintained an Internet website to comply with this chapter.

21 (b) If a special district did not maintain an Internet
22 website or cause a website to be maintained on January 1, 2015, the
23 special district shall post the information required by this
24 chapter on:

25 (1) the special district's website, if the special
26 district chooses to maintain the website or cause the website to be
27 maintained; or

1 (2) a website in which the special district controls
2 the content of the posting, including a social media site, provided
3 that the information is easily found by searching the name of the
4 special district on the Internet.

5 SECTION 2. The governing body of a special district to which
6 Section 2.002, Special District Local Laws Code, as added by this
7 Act, applies that has issued debt or imposed a tax, assessment, or
8 fee before the effective date of this Act must conclude the first
9 comprehensive review cycle required by that section not later than
10 September 1, 2016.

11 SECTION 3. This Act takes effect September 1, 2015.