

BILL ANALYSIS

Senate Research Center
85R22966 DMS-F

H.B. 2825
By: Gooden (Hall)
Agriculture, Water & Rural Affairs
5/11/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 2825 amends the Water Code to allow a commissioners court to dissolve a levee improvement district if the court finds: the district has been dormant for five years, the physical boundaries of the district cannot be determined, the board of directors is not active or cannot be determined, the property owners of the district cannot be determined, or a levee partially or completely inside the boundaries of the district has received a rating of unacceptable from the United States Army Corps of Engineers.

H.B. 2825 amends current law relating to the dissolution of a levee improvement district by a commissioners court.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter I, Chapter 57, Water Code, by adding Section 57.3295, as follows:

Sec. 57.3295. DISSOLUTION OF DISTRICT BY COMMISSIONERS COURT WITHOUT PETITION. (a) Authorizes the commissioners court of a county that contains a portion of the Trinity River to dissolve a district at any time if the court makes certain findings.

(b) Requires the commissioners court to hold a public hearing before voting on a dissolution order. Requires the hearing to be held not later than the seventh day before the date the dissolution order is subject to a vote by the commissioners court.

(c) Requires the notice of the public hearing to be published in a regularly circulated newspaper within the county not later than the seventh day before the date the public hearing is scheduled to occur.

(d) Requires the commissioners court, if the commissioners court votes to dissolve the district, to appoint the chairman of the board or some other suitable person as trustee to close the affairs of the district without delay, and to determine the length of the term and the amount of compensation for the trustee.

(e) Prohibits a district from being dissolved under this section if the district has any outstanding bonds or other indebtedness until the indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds or has a contractual obligation to pay money until that obligation has been paid fully in accordance with the contract.

SECTION 2. Amends the heading to Section 57.322, Water Code, to read as follows:

Sec. 57.322. REQUIREMENTS FOR DISSOLVING A DISTRICT BY PETITION.

SECTION 3. Effective date: September 1, 2017.