

SENATE AMENDMENTS

2nd Printing

By: Gooden

H.B. No. 2825

A BILL TO BE ENTITLED

AN ACT

relating to the dissolution of a levee improvement district by a
commissioners court.

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

SECTION 1. Subchapter I, Chapter 57, Water Code, is amended
by adding Section 57.3295 to read as follows:

Sec. 57.3295. DISSOLUTION OF DISTRICT BY COMMISSIONERS
COURT WITHOUT PETITION. (a) The commissioners court of a county
that contains a portion of the Trinity River may dissolve a district
at any time if the court finds the following:

(1) the district has been dormant for more than five
years;

(2) the physical boundaries of the district cannot be
determined;

(3) the board of directors of the district is not
active, or cannot be determined;

(4) property owners of the district cannot be
determined; or

(5) 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 and the district has
not undertaken, attempted to undertake, or made plans to undertake
reasonable efforts to address the concerns of the United States
Army Corps of Engineers.

1 (b) The commissioners court shall hold a public hearing
2 before voting on a dissolution order. The hearing must be held not
3 later than the seventh day before the date the dissolution order is
4 subject to a vote by the commissioners court.

5 (c) Notice of the public hearing must be published in a
6 regularly circulated newspaper within the county not later than the
7 seventh day before the date the public hearing is scheduled to
8 occur.

9 (d) If the commissioners court votes to dissolve the
10 district, the commissioners court shall appoint the chairman of the
11 board or some other suitable person as trustee to close the affairs
12 of the district without delay, and shall determine the length of the
13 term and the amount of compensation for the trustee.

14 (e) A district may not be dissolved under this section if
15 the district:

16 (1) has any outstanding bonds or other indebtedness
17 until that indebtedness has been repaid or defeased in accordance
18 with the order or resolution authorizing the issuance of the bonds;
19 or

20 (2) has a contractual obligation to pay money until
21 that obligation has been paid fully in accordance with the
22 contract.

23 SECTION 2. The heading to Section 57.322, Water Code, is
24 amended to read as follows:

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

27 SECTION 3. This Act takes effect September 1, 2017.

ADOPTED

MAY 22 2017

Leta Spaw
Secretary of the Senate

By: Bob Hall

H.B. No. 2825

Substitute the following for H.B. No. 2825:

By: Rodriguez

C.S.H.B. No. 2825

A BILL TO BE ENTITLED

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relating to the dissolution of a levee improvement district by a commissioners court.

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

SECTION 1. Subchapter I, Chapter 57, Water Code, is amended by adding Section 57.3295 to read as follows:

Sec. 57.3295. DISSOLUTION OF DISTRICT BY COMMISSIONERS COURT WITHOUT PETITION. (a) The commissioners court of a county that contains a portion of the Trinity River may dissolve a district at any time if the court finds the following:

(1) the district has been dormant for more than five years;

(2) the physical boundaries of the district cannot be determined;

(3) the board of directors of the district is not active, or cannot be determined;

(4) property owners of the district cannot be determined; or

(5) 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 and the district has not undertaken, attempted to undertake, or made plans to undertake reasonable efforts to address the concerns of the United States Army Corps of Engineers.

1 (b) The commissioners court shall hold a public hearing
2 before voting on a dissolution order. The hearing must be held not
3 later than the seventh day before the date the dissolution order is
4 subject to a vote by the commissioners court.

5 (c) Notice of the public hearing must be published in a
6 regularly circulated newspaper within the county not later than the
7 seventh day before the date the public hearing is scheduled to
8 occur.

9 (d) If the commissioners court votes to dissolve the
10 district, the commissioners court shall appoint the chairman of the
11 board or some other suitable person as trustee to close the affairs
12 of the district without delay, and shall determine the length of the
13 term and the amount of compensation for the trustee.

14 (e) A district may not be dissolved under this section if
15 the district:

16 (1) has any outstanding bonds or other indebtedness
17 until that indebtedness has been repaid or defeased in accordance
18 with the order or resolution authorizing the issuance of the bonds;
19 or

20 (2) has a contractual obligation to pay money until
21 that obligation has been paid fully in accordance with the
22 contract.

23 (f) This section applies only to a commissioners court of a
24 county that:

25 (1) has a population of not less than 2.2 million and
26 that is adjacent to a county with a population of not less than 1.8
27 million;

1 (2) has a population of not more than 200,000 and that
2 contains a portion of Joe Pool Lake;

3 (3) has a population of not less than 47,000 and that
4 contains a portion of the Richland Chambers Reservoir; or

5 (4) has a population of not less than 100,000 and that
6 contains a portion of the Cedar Creek Reservoir.

7 SECTION 2. The heading to Section 57.322, Water Code, is
8 amended to read as follows:

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

11 SECTION 3. This Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 22, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2825 by Gooden (Relating to the dissolution of a levee improvement district by a commissioners court.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code allowing 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 been determined unacceptable from the United States Army Corps of Engineers and the district has not undertaken, attempted to undertake, or made plans to undertake reasonable efforts to address concerns of the United States Army Corps of Engineers.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, SD, SZ, JGA, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 18, 2017

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2825 by Gooden (relating to the dissolution of a levee improvement district by a commissioners court.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code allowing 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 been determined unacceptable from the United States Army Corps of Engineers and the district has not undertaken, attempted to undertake, or made plans to undertake reasonable efforts to address concerns of the United States Army Corps of Engineers.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, SZ, JGA, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 4, 2017

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2825** by Gooden (Relating to the dissolution of a levee improvement district by a commissioners court.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code allowing 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 been determined unacceptable from the United States Army Corps of Engineers and the district has not undertaken, attempted to undertake, or made plans to undertake reasonable efforts to address concerns of the United States Army Corps of Engineers.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, SZ, JGA, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 13, 2017

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2825 by Gooden (Relating to the dissolution of a levee improvement district by a commissioners court.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code allowing 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 been determined unacceptable from the United States Army Corps of Engineers and the district has not undertaken, attempted to undertake, or made plans to undertake reasonable efforts to address concerns of the United States Army Corps of Engineers.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 5, 2017

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2825 by Gooden (Relating to the dissolution of a levee improvement district by a commissioners court.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code allowing 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 been determined unacceptable from the United States Army Corps of Engineers.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM