

BILL ANALYSIS

C.S.H.B. 1356
By: Button
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the transparency and accessibility of certain special district meetings. C.S.H.B. 1356 seeks to address these concerns by setting out requirements for the meetings of certain special districts.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1356 amends the Water Code to revise the requirement for the boards of certain water districts to designate a meeting place and hold meetings within the district on written request of at least five applicable electors by removing the condition that the board do so if it determines that the meeting place used by the district deprives the residents of a reasonable opportunity to attend district meetings and by increasing from 25 to 50 the minimum number of qualified electors that must be residing in the district to trigger that requirement. The bill authorizes a board, if no suitable meeting place exists inside the district, to designate a meeting place outside the district that is located not further than 10 miles from the boundary of the district. The bill requires a board, if it establishes a meeting place or places outside the district, to give a justification of why the meeting will not be held in the district or within 10 miles of the boundary of the district, if applicable, with the Texas Commission on Environmental Quality (TCEQ). The bill replaces the authorization for TCEQ, if it determines on petition that the meeting place used by a district deprives the residents of a reasonable opportunity to attend district meetings, to designate a meeting place inside or outside the district which is reasonably available to the public and require that the meeting be held at such place with a requirement for TCEQ to do so. The bill requires TCEQ to make the determination not later than the 60th day after the date TCEQ receives the petition. The bill requires TCEQ to provide information on the TCEQ website on the process for designation by TCEQ of a meeting place by petition and a form that may be used to request that TCEQ make the designation with submission instructions.

C.S.H.B. 1356 removes an authorization for a board to designate different meeting places, including one located outside the boundaries of the district, after the next election. The bill authorizes a board, after holding a meeting at a designated place, to hold a hearing on the designation of a different meeting place, including a meeting place outside of the district. The bill authorizes the board to hold meetings at the designated meeting place if, at the hearing, the board determines that the new meeting place is beneficial to the district and will not deprive

district residents of a reasonable opportunity to attend meetings. The bill prohibits the board from holding meetings at a meeting place outside the district or further than 10 miles from the boundaries of the district if the board receives a qualifying petition for TCEQ to designate a location.

C.S.H.B. 1356 requires certain water districts providing potable water or sewer service to include on a district's bill to a customer, as a part of the district's billing process, a certain statement providing direction to the reader for more information about the district.

C.S.H.B. 1356 amends the Government Code to require the Special Purpose District Public Information Database maintained by the comptroller of public accounts to include for each applicable district a link to the website on which TCEQ provides information on the meeting place designation process, along with a plain language description of how a resident may petition to require that board meetings of certain special purpose districts be held not further than 10 miles from the boundary of the district.

C.S.H.B. 1356 requires a water control and improvement district, fresh water supply district, municipal utility district, or water improvement district that has a population of 500 or more, on written request of a district resident made to the district not later than the third day before a public hearing to consider the adoption of a property tax rate, to make an audio recording of reasonable quality of the hearing, provide the recording to the resident in an electronic format not later than the fifth business day after the date of the hearing, and maintain a copy of the recording for at least one year after the date of the hearing. The bill requires such a district to post the minutes of the meeting of the governing body to the district's website if the district maintains a website.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1356 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a requirement for the Special Purpose District Public Information Database to include for each applicable district a link to a certain TCEQ website with a plain language description of how a resident may petition to require that board meetings of certain special purpose districts be held not further than 10 miles from the boundary of the district.

The substitute makes the following changes with regard to meetings of a governing body of a water control and improvement district, fresh water supply district, municipal utility district, or water improvement district that has a population of 500 or more:

- does not require such a governing body to make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting and to make available an archived copy of the video and audio recording on the Internet;
- includes provisions requiring such a district to do the following on written request of a district resident made to the district not later than the third day before a public hearing to consider the adoption of a property tax rate:
 - make an audio recording of reasonable quality of the hearing;
 - provide the recording to the resident in an electronic format by a specified deadline; and

- maintain a copy of the recording for a specified period of time; and
- includes a requirement for such a district to post the minutes of the meeting of the governing body to the district's website if the district maintains a website.

The substitute does not include provisions requiring the boards of certain water districts with a population of 500 or more to designate a place inside the district for conducting board meetings and authorizing a board that is unable to designate a suitable meeting place inside the district to designate a place outside the district that is located not farther than 10 miles from the district's boundaries. The substitute includes provisions that do the following instead:

- revise the conditions under which the boards of certain water districts are required to designate a meeting place within the district on written request and authorize the designation of a meeting place outside the district that is located not further than 10 miles from the boundary of the district if no suitable meeting place exists inside the district;
- require submission to TCEQ of justification of why a meeting will not be held in the district or within 10 miles of the boundary of the district, if applicable;
- revise procedures relating to TCEQ designation of a meeting place on petition and require TCEQ to provide certain related information on its website; and
- revise the conditions under which a board may designate a different meeting place.

The substitute includes provisions requiring certain water districts providing potable water or sewer service to include on a district's bill to a customer a certain statement providing direction to the reader for more information about the district.