

By: Bell of Montgomery

H.B. No. 2914

Substitute the following for H.B. No. 2914:

By: Metcalf

C.S.H.B. No. 2914

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the necessity of hearings regarding the dissolution or
3 conversion of certain conservation and reclamation districts.

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

5 SECTION 1. Subchapter K, Chapter 49, Water Code, is amended
6 by adding Section 49.3225 to read as follows:

7 Sec. 49.3225. ORDER WITHOUT HEARING. (a) The commission
8 may adopt an order under Section 49.324 without conducting a
9 hearing if it receives a petition under this section from:

10 (1) the owners of the majority in value of the land in
11 the district, as shown by the most recent certified tax roll of the
12 central appraisal district of the county or counties in which the
13 district is located; or

14 (2) the board of directors of the district.

15 (b) Not later than the 10th day after the date a petition is
16 submitted under Subsection (a), the petitioners shall:

17 (1) provide notice of the petition by certified mail:

18 (A) to all the landowners in the district, as
19 shown by the most recent certified tax roll of the central appraisal
20 district of the county or counties in which the district is located,
21 who did not sign the petition; and

22 (B) if the petition was submitted by persons
23 described by Subsection (a)(1), to the board of directors; and

24 (2) certify in writing to the commission that the

1 requirements of Subdivision (1) have been met.

2 (c) A notice provided under Subsection (b)(1) must state
3 that the landowner may file a written objection to the dissolution
4 of the district not later than the 30th day after the date the
5 notice was received.

6 (d) If a landowner files a written objection to the
7 dissolution of the district with the commission within the period
8 specified in the notice, the commission shall hold a hearing on the
9 dissolution of the district. The commission shall mail notice of
10 the hearing by first class mail to:

11 (1) the petitioners, and the board of directors if the
12 board of directors did not submit the petition; and

13 (2) each landowner who timely filed a written
14 objection to the dissolution.

15 SECTION 2. Section 54.030(b), Water Code, is amended to
16 read as follows:

17 (b) The governing body of a district which desires to
18 convert into a district operating under this chapter shall adopt
19 and enter in the minutes of the governing body a resolution
20 declaring that in its judgment, conversion into a municipal utility
21 district operating under this chapter and under Article XVI,
22 Section 59, of the Texas Constitution, would serve the best
23 interest of the district and would be a benefit to the land and
24 property included in the district. The resolution shall also
25 request that the commission approve [~~to hold a hearing on the~~
26 ~~question of~~] the conversion of the district.

27 SECTION 3. Section 54.032, Water Code, is amended to read as

1 follows:

2 Sec. 54.032. CONVERSION OF DISTRICT: NOTICE. (a) Notice
3 of the conversion [~~hearing~~] shall be given by publishing notice in a
4 newspaper with general circulation in the county or counties in
5 which the district is located.

6 (b) The notice shall be published once a week for two
7 consecutive weeks [~~with the first publication to be made not less~~
8 ~~than 14 full days before the time set for the hearing~~].

9 (c) The notice shall:

10 (1) [~~state the time and place of the hearing,~~
11 [~~2~~] set out the resolution adopted by the district
12 in full; and

13 (2) [~~3~~] notify all interested persons how they may
14 offer comments [~~to appear and offer testimony~~] for or against the
15 proposal contained in the resolution.

16 SECTION 4. Section 54.033(a), Water Code, is amended to
17 read as follows:

18 (a) If [~~After a hearing, if~~] the commission finds that
19 conversion of the district into one operating under this chapter
20 would serve the best interest of the district and would be a benefit
21 to the land and property included in the district, it shall enter an
22 order making this finding and the district shall become a district
23 operating under this chapter and no confirmation election shall be
24 required.

25 SECTION 5. Section 54.031, Water Code, is repealed.

26 SECTION 6. This Act takes effect September 1, 2019.