

By: Bell of Montgomery

H.B. No. 2914

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(2) the board of directors of the district.

(b) Within 10 days of submitting a petition under this section, the petitioner shall:

(i) provide notice of the petition by certified mail to all landowners in the district, as shown by the most recent certified tax roll of the central appraisal district of the county or counties in which the district is located, who did not sign the petition, and the board of directors if the petition was submitted pursuant to subsection (b)(i) of this section, which notice shall provide at least 30 days to file written objections with the commission; and

1                   (ii) certify in writing to the commission  
2 that the notice requirements of subsection (c)(i) of this section  
3 have been satisfied.

4           (c) If an owner of land within the district or a board member  
5 files a written objection to the dissolution with the commission  
6 within the time specified in the notice, the commission shall hold a  
7 hearing on the dissolution petition. Notice of the hearing shall be  
8 provided by first class mail to the petitioner, the board of  
9 directors if the petition was submitted pursuant to subsection  
10 (b)(i) of this section, and any landowner who timely filed a written  
11 objection to the dissolution petition.

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

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

24           SECTION 3. Section 54.032, Water Code, is amended to read as  
25 follows:

26           Sec. 54.032. CONVERSION OF DISTRICT: NOTICE.(a) Notice of  
27 the conversion [~~hearing~~] shall be given by publishing notice in a

1 newspaper with general circulation in the county or counties in  
2 which the district is located.

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

6 (c) The notice shall:

7 (1) [~~state the time and place of the hearing,~~  
8 [~~2~~] set out the resolution adopted by the district  
9 in full; and

10 (2) [~~3~~] notify all interested persons how they may  
11 offer comments [~~to appear and offer testimony~~] for or against the  
12 proposal contained in the resolution.

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

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

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

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