

1-1 By: Nelson S.B. No. 239
1-2 (In the Senate - Filed December 13, 2018; February 7, 2019,
1-3 read first time and referred to Committee on Business & Commerce;
1-4 April 29, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 29, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Hancock	X		
1-10	Nichols	X		
1-11	Campbell	X		
1-12	Creighton	X		
1-13	Menéndez	X		
1-14	Paxton	X		
1-15	Schwertner	X		
1-16	Whitmire		X	
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 239 By: Nichols

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to meetings for certain special purpose districts.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Section [403.0241\(c\)](#), Government Code, is amended
1-24 to read as follows:
1-25 (c) For each special purpose district described by
1-26 Subsection (b), the database must include:
1-27 (1) the name of the special purpose district;
1-28 (2) the name of each board member of the special
1-29 purpose district;
1-30 (3) contact information for the main office of the
1-31 special purpose district, including the physical address, the
1-32 mailing address, and the main telephone number;
1-33 (4) if the special purpose district employs a person
1-34 as a general manager or executive director, or in another position
1-35 to perform duties or functions comparable to those of a general
1-36 manager or executive director, the name of the employee;
1-37 (5) if the special purpose district contracts with a
1-38 utility operator, contact information for a person representing the
1-39 utility operator, including a mailing address and a telephone
1-40 number;
1-41 (6) if the special purpose district contracts with a
1-42 tax assessor-collector, contact information for a person
1-43 representing the tax assessor-collector, including a mailing
1-44 address and telephone number;
1-45 (7) the special purpose district's Internet website
1-46 address, if any;
1-47 (8) the information the special purpose district is
1-48 required to report under Section [140.008\(b\)](#) or (g), Local
1-49 Government Code, including any revenue obligations;
1-50 (9) the total amount of bonds authorized by the voters
1-51 of the special purpose district that are payable wholly or partly
1-52 from ad valorem taxes, excluding refunding bonds if refunding bonds
1-53 were separately authorized and excluding contract revenue bonds;
1-54 (10) the aggregate initial principal amount of all
1-55 bonds issued by the special purpose district that are payable
1-56 wholly or partly from ad valorem taxes, excluding refunding bonds
1-57 and contract revenue bonds;
1-58 (11) the rate of any sales and use tax the special
1-59 purpose district imposes; ~~and~~
1-60 (12) for a special purpose district that imposes an ad

valorem tax:

(A) the ad valorem tax rate for the most recent tax year if the district is a district as defined by Section 49.001, Water Code; or

(B) the table of ad valorem tax rates for the most recent tax year described by Section 26.16, Tax Code, in the form required by that section, if the district is not a district as defined by Section 49.001, Water Code; and

(13) a link to the Internet website described by Section 49.062(g), Water Code, 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.

SECTION 2. Subchapter F, Chapter 551, Government Code, is amended by adding Section 551.1283 to read as follows:

Sec. 551.1283. GOVERNING BODY OF CERTAIN WATER DISTRICTS: INTERNET POSTING OF MEETING MATERIALS; RECORDING OF CERTAIN HEARINGS. (a) This section only applies to a special purpose district subject to Chapter 51, 53, 54, or 55, Water Code, that has a population of 500 or more.

(b) 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 an ad valorem tax rate, the district shall make an audio recording of reasonable quality of the hearing and provide the recording to the resident in an electronic format not later than the fifth business day after the date of the hearing. The district shall maintain a copy of the recording for at least one year after the date of the hearing.

(c) A district shall post the minutes of the meeting of the governing body to the district's Internet website if the district maintains an Internet website.

SECTION 3. Section 49.062, Water Code, is amended by amending Subsections (b) and (c) and adding Subsections (c-1), (e), (f), and (g) to read as follows:

(b) The board shall designate one or more places inside or outside the district for conducting the meetings of the board. The meeting place may be a private residence or office, provided that the board, in its order establishing the meeting place, declares the same to be a public place and invites the public to attend any meeting of the board. If the board establishes a meeting place or places outside the district, it shall give notice of the location or locations by filing a true copy of the resolution establishing the location or locations of the meeting place or places and 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 commission and also by publishing notice of the location or locations in a newspaper of general circulation in the district. If the location of any of the meeting places outside the district is changed, notice of the change shall be given in the same manner.

(c) After at least 50 [25] qualified electors are residing in a district, on written request of at least five of those electors, the board shall designate a meeting place and hold meetings within the district. If no suitable meeting place exists inside the district, the board may designate a meeting place outside the district that is located not further than 10 miles from the boundary of the district [if it determines that the meeting place used by the district deprives the residents of a reasonable opportunity to attend district meetings].

(c-1) On the failure, after a request is made under Subsection (c), of the board to designate the location of the meeting place within the district or not further than 10 miles from the boundary of the district, five electors may petition the commission to designate a location. If it determines that the meeting place used by the district deprives the residents of a reasonable opportunity to attend district meetings, the commission shall [may] designate a meeting place inside or outside the district which is reasonably available to the public and require that the meetings be held at such place. [After the next election, the board may designate different meeting places, including one

3-1 ~~located outside the boundaries of the district.]~~

3-2 (e) After holding a meeting at a place designated under
3-3 Subsection (c) or (c-1), the board may hold a hearing on the
3-4 designation of a different meeting place, including a meeting place
3-5 outside of the district. The board may hold meetings at the
3-6 designated meeting place if, at the hearing, the board determines
3-7 that the new meeting place is beneficial to the district and will
3-8 not deprive the residents of the district of a reasonable
3-9 opportunity to attend meetings. The board may not hold meetings at
3-10 a meeting place outside the district or further than 10 miles from
3-11 the boundaries of the district if the board receives a petition
3-12 under Subsection (c-1).

3-13 (f) The commission shall make a determination under
3-14 Subsection (c-1) not later than the 60th day after the date the
3-15 commission receives the petition.

3-16 (g) The commission shall provide information on the
3-17 commission's Internet website on the process for designation by the
3-18 commission of a meeting place under Subsection (c-1) and a form that
3-19 may be used to request that the commission make the designation with
3-20 submission instructions.

3-21 SECTION 4. Subchapter C, Chapter 49, Water Code, is amended
3-22 by adding Section 49.0631 to read as follows:

3-23 Sec. 49.0631. MEETING INFORMATION ON WATER BILL. A
3-24 district providing potable water or sewer service shall as a part of
3-25 the district's billing process include on a district's bill to a
3-26 customer the following statement: "For more information about the
3-27 district, including information about the district's board and
3-28 board meetings, please go to the Comptroller's Special Purpose
3-29 District Public Information Database or (district's Internet
3-30 website if the district maintains an Internet website)." The
3-31 statement may be altered to provide the current Internet website
3-32 address of either the database created under Section 403.0241,
3-33 Government Code, or the district.

3-34 SECTION 5. The changes in law made by this Act apply only to
3-35 an open meeting held on or after the effective date of this Act. An
3-36 open meeting that is held before the effective date of this Act is
3-37 governed by the law in effect on the date of the open meeting, and
3-38 the former law is continued in effect for that purpose.

3-39 SECTION 6. This Act takes effect September 1, 2019.

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