

By: Kolkhorst

S.B. No. 526

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the requirements for meetings held and Internet
3 websites developed by certain special purpose districts.

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

5 SECTION 1. Section 403.0241(c), Government Code, is amended
6 to read as follows:

7 (c) For each special purpose district described by
8 Subsection (b), the database must include:

9 (1) the name of the special purpose district;

10 (2) the name of each board member of the special
11 purpose district;

12 (3) contact information for the main office of the
13 special purpose district, including the physical address, the
14 mailing address, and the main telephone number;

15 (4) if the special purpose district employs a person
16 as a general manager or executive director, or in another position
17 to perform duties or functions comparable to those of a general
18 manager or executive director, the name of the employee;

19 (5) if the special purpose district contracts with a
20 utility operator, contact information for a person representing the
21 utility operator, including a mailing address and a telephone
22 number;

23 (6) if the special purpose district contracts with a
24 tax assessor-collector, contact information for a person

1 representing the tax assessor-collector, including a mailing
2 address and telephone number;

3 (7) the special purpose district's Internet website
4 address or, if the district does not maintain an Internet website,
5 the address of any Internet website or websites the district uses to
6 comply with Section 2051.202 of this code and Section 26.18, Tax
7 Code~~[, if any]~~;

8 (8) the financial information described by Section
9 140.008(b) or (g), Local Government Code, including any revenue
10 obligations;

11 (9) the total amount of bonds authorized by the voters
12 of the special purpose district that are payable wholly or partly
13 from ad valorem taxes, excluding refunding bonds if refunding bonds
14 were separately authorized and excluding contract revenue bonds;

15 (10) the aggregate initial principal amount of all
16 bonds issued by the special purpose district that are payable
17 wholly or partly from ad valorem taxes, excluding refunding bonds
18 and contract revenue bonds;

19 (11) the rate of any sales and use tax the special
20 purpose district imposes;

21 (12) for a special purpose district that imposes an ad
22 valorem tax:

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

26 (B) the table of ad valorem tax rates for the most
27 recent tax year described by Section 26.16, Tax Code, in the form

1 required by that section, if the district is not a district as
2 defined by Section 49.001, Water Code; and

3 (13) a link to the Internet website described by
4 Section 49.062(g), Water Code, with a plain-language description of
5 how a resident may petition to require that board meetings of
6 certain special purpose districts be held not further than 10 miles
7 from the boundary of the district.

8 SECTION 2. Section 551.1283, Government Code, is amended by
9 adding Subsections (d) and (e) to read as follows:

10 (d) A district that maintains an Internet website shall post
11 on that website links to any other Internet website or websites the
12 district uses to comply with Section 2051.202 of this code and
13 Section 26.18, Tax Code.

14 (e) Nothing in this chapter shall prohibit a district from
15 allowing a person to watch or listen to a board meeting by video or
16 telephone conference call.

17 SECTION 3. Subchapter E, Chapter 2051, Government Code, as
18 added by Chapter 1029 (H.B. 305), Acts of the 86th Legislature,
19 Regular Session, 2019, is redesignated as Subchapter F, Chapter
20 2051, Government Code, and amended to read as follows:

21 SUBCHAPTER F [~~E~~]. INTERNET WEBSITE

22 Sec. 2051.201 [~~2051.151~~]. [~~APPLICABILITY OF SUBCHAPTER.~~
23 ~~Except as provided by Section 2051.152(b), this subchapter applies~~
24 ~~only to a political subdivision with the authority to impose a tax~~
25 ~~that at any time on or after January 1, 2019, maintained a publicly~~
26 ~~accessible Internet website.~~

27 [~~Sec. 2051.152.~~] INFORMATION REQUIRED ON WEBSITE. (a) This

1 section applies only to a political subdivision with the authority
2 to impose a tax that:

3 (1) at any time on or after January 1, 2019, maintained
4 a publicly accessible Internet website; and

5 (2) is not subject to Section 2051.202.

6 (b) A political subdivision to which this section applies
7 shall post on a publicly accessible Internet website the following
8 information:

9 (1) the political subdivision's contact information,
10 including a mailing address, telephone number, and e-mail address;

11 (2) each elected officer of the political subdivision;

12 (3) the date and location of the next election for
13 officers of the political subdivision;

14 (4) the requirements and deadline for filing for
15 candidacy of each elected office of the political subdivision,
16 which shall be continuously posted for at least one year before the
17 election day for the office;

18 (5) each notice of a meeting of the political
19 subdivision's governing body under Subchapter C, Chapter 551; and

20 (6) each record of a meeting of the political
21 subdivision's governing body under Section 551.021.

22 (c) ~~[(b)]~~ Subsections (b)(5) ~~[(a)(5)]~~ and (6) do not apply
23 to:

24 (1) a county with a population of less than 10,000;

25 (2) a municipality with a population of less than
26 5,000 located in a county with a population of less than 25,000; or

27 (3) a school district with a population of less than

1 5,000 in the district's boundaries and located in a county with a
2 population of less than 25,000.

3 Sec. 2051.202. FINANCIAL AND OPERATING INFORMATION OF
4 SPECIAL PURPOSE DISTRICTS. (a) In this section, "special purpose
5 district" means a political subdivision of this state with
6 geographic boundaries that define the subdivision's territorial
7 jurisdiction. The term does not include a municipality, county,
8 junior college district, independent school district, or political
9 subdivision with statewide jurisdiction.

10 (b) This section applies only to a special purpose district
11 that:

12 (1) is authorized by the state by a general or special
13 law to impose an ad valorem tax;

14 (2) during the most recent fiscal year imposed an ad
15 valorem tax;

16 (3) during the most recent fiscal year:

17 (A) had bonds outstanding;

18 (B) had gross receipts from operations, loans,
19 taxes, or contributions in excess of \$250,000; or

20 (C) had cash and temporary investments in excess
21 of \$250,000; and

22 (4) at the beginning of the most recent fiscal year,
23 had a population of 500 or more, as determined by the governing body
24 of the special purpose district.

25 (c) Notwithstanding Subsections (a) and (b), this section
26 applies to a district created and operating under Chapter 387,
27 Local Government Code.

1 (d) A special purpose district shall post or cause to be
2 posted on an Internet website the following information, if
3 applicable:

4 (1) the name of the special purpose district;

5 (2) the name and term of office of each member of the
6 governing body of the special purpose district;

7 (3) the contact information for the main office of the
8 special purpose district, including the physical address, the
9 mailing address, and the telephone number;

10 (4) the official contact information for each member
11 of the governing body of the special purpose district;

12 (5) if the special purpose district employs a person
13 as a general manager or executive director, or in another position
14 to perform duties or functions comparable to those of a general
15 manager or executive director, the name of the general manager,
16 executive director, or person that performs those duties;

17 (6) if the special purpose district contracts with a
18 utility operator, the contact information for a person representing
19 the utility operator, including a mailing address and telephone
20 number;

21 (7) if the special purpose district contracts with a
22 tax assessor-collector, the contact information for a person
23 representing the tax assessor-collector, including a mailing
24 address and telephone number;

25 (8) if the special purpose district imposes an ad
26 valorem tax, the rate of the ad valorem tax of the special purpose
27 district;

1 (9) if the special purpose district imposes a sales
2 and use tax, the rate of the sales and use tax of the special purpose
3 district;

4 (10) any notice of tax hearing required to be given
5 under Chapter 26, Tax Code, or Section 49.236, Water Code;

6 (11) the location and schedule of meetings of the
7 governing body of the special purpose district;

8 (12) a statement substantially similar to the
9 following: "Residents of the district have the right to request the
10 designation of a meeting location within the district under Section
11 49.062(g), Water Code. A description of this process can be found
12 at (insert link to the Internet website described by Section
13 49.062(g), Water Code).";

14 (13) each notice of a meeting of the governing body of
15 the special purpose district under Subchapter C, Chapter 551, for
16 meetings conducted in the current calendar year and the immediately
17 preceding calendar year;

18 (14) the minutes of a public meeting of the governing
19 body of the special purpose district under Section 551.021 for
20 meetings conducted in the current calendar year and the immediately
21 preceding calendar year; and

22 (15) the most recent financial audit of the special
23 purpose district.

24 SECTION 4. Section 49.062, Water Code, is amended by
25 amending Subsection (b) and adding Subsection (b-1) to read as
26 follows:

27 (b) Except as provided by Subsection (b-1), the [The] board

1 shall designate one or more places inside or outside the district
2 for conducting the meetings of the board. The meeting place may be
3 a private residence or office, provided that the board, in its order
4 establishing the meeting place, declares the same to be a public
5 place and invites the public to attend any meeting of the board. If
6 the board establishes a meeting place or places outside the
7 district, it shall give notice of the location or locations by
8 filing a true copy of the resolution establishing the location or
9 locations of the meeting place or places and a justification of why
10 the meeting will not be held in the district or within 10 miles of
11 the boundary of the district, if applicable, with the commission
12 and also by publishing notice of the location or locations in a
13 newspaper of general circulation in the district. If the location
14 of any of the meeting places outside the district is changed, notice
15 of the change shall be given in the same manner.

16 (b-1) In this subsection, "rural area district" means a
17 district in which more than half of the district's projected retail
18 water or sewer connections are active and that is not wholly or
19 partly located in a county that as of the 2010 Census had a
20 population of 800,000 or more or bordered a county with a population
21 of 800,000 or more. If the board of a rural area district conducts
22 meetings at least quarterly, the board shall conduct a meeting at a
23 designated meeting location inside the district or within 10 miles
24 of the boundary of the district at least once per quarter. If the
25 board determines that it is not practical to meet within 10 miles of
26 the boundary of the district, the district may conduct the
27 quarterly meeting at another designated meeting place in the county

1 in which the district is located.

2 SECTION 5. Section 49.0631, Water Code, is amended to read
3 as follows:

4 Sec. 49.0631. DISTRICT [~~MEETING~~] INFORMATION ON WATER BILL.
5 A district providing potable water or sewer service shall as a part
6 of the district's billing process include on a district's bill to a
7 customer the following statement: "For more information about the
8 district, including information about the district's board and
9 board meetings, please go to the Comptroller's Special Purpose
10 District Public Information Database or (district's Internet
11 website if the district maintains an Internet website, or, if the
12 district does not maintain an Internet website, the Internet
13 website or websites the district uses to comply with Section
14 2051.202, Government Code, and Section 26.18, Tax Code)." The
15 statement may be altered to provide the current Internet website
16 address of [~~either~~] the database created under Section 403.0241,
17 Government Code, [~~or~~] the district, or the Internet website or
18 websites the district uses to comply with Section 2051.202,
19 Government Code, and Section 26.18, Tax Code.

20 SECTION 6. Sections 2051.202(d)(13) and (14), Government
21 Code, as added by this Act, apply only to a meeting held by a special
22 purpose district on or after the effective date of this Act.

23 SECTION 7. To the extent of any conflict, this Act prevails
24 over another Act of the 87th Legislature, Regular Session, 2021,
25 relating to nonsubstantive additions to and corrections in enacted
26 codes.

27 SECTION 8. This Act takes effect September 1, 2021.