

## **BILL ANALYSIS**

C.S.S.B. 2192  
By: Hall  
Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, the Texas Commission on Environmental Quality (TCEQ) is required to notify the commissioners court of a county in which certain proposed municipal utility districts are to be located promptly after a district creation petition is filed with the TCEQ. A commissioners court should be given additional notice in order to properly act on such a petition. C.S.S.B. 2192 seeks to address this issue by providing for a pre-petition notice with respect to a petition requesting creation of a municipal utility district all of which is to be located outside the corporate limits of a municipality.

### **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.S.B. 2192 amends the Water Code to set out requirements relating to the notice and petition for the creation of a proposed municipal utility district all of which is to be located outside the corporate limits of a municipality. The bill requires notice to be sent by certified mail to the commissioners court of each county in which the proposed district is to be located before the petition is filed with the Texas Commission on Environmental Quality (TCEQ). The notice must do the following:

- generally describe the boundaries of the land to be included in the proposed district, including, if possible, by metes and bounds or by lot and block number if there is a recorded map or plat and survey of the area to be included in the district; and
- inform the commissioners court of the right to respond to the notice, review the petition, and submit to the TCEQ a written opinion on the proposed district's creation.

The bill requires the notice to be sent by certified mail at least 30 days before the date the petition is filed with the TCEQ. The bill requires the petition to include a copy of the notice required by the bill.

C.S.S.B. 2192 applies only to the creation of a district on or after the bill's effective date. A petition requesting creation of a district pending before the TCEQ on such date is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose.

## **EFFECTIVE DATE**

September 1, 2023.

## **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 2192 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Whereas the engrossed required the pre-petition notice to describe the boundaries of the proposed district by metes and bounds or by lot and block number if there is a recorded map or plat and survey of the area to be included in the district, the substitute requires the notice to generally describe the boundaries of the land to be included in the proposed district, including, if possible, by metes and bounds or by lot and block number if there is such a map or plat and survey.

The substitute changes the deadline by which the notice must be sent to the applicable commissioners courts from at least 90 days before the date the petition is filed with the TCEQ, as in the engrossed, to at least 30 days before that date.

The substitute omits provisions included in the engrossed that did the following:

- authorized a commissioners court to respond to the notice;
- established that there is a rebuttable presumption that the commissioners court supports the creation of the proposed district if the commissioners court does not respond to the notice by the date the petition is filed with the TCEQ; and
- required the petition to include a copy of any response to the notice provided by the commissioners court.

The substitute changes the bill's effective date from providing for its possible immediate effect, contingent on receiving the requisite constitutional vote, as in the engrossed, to September 1, 2023, with no possibility for immediate effect.