

BILL ANALYSIS

Senate Research Center
86R28157 GRM-F

C.S.S.B. 239
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Business & Commerce
4/25/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Government transparency and participation is the bedrock of American democracy. It is only fair that citizens have direct access to the institutions that have profound impacts on their lives and pocketbooks.

S.B. 239 will require open meetings of certain special districts with populations over 500 to be held within the boundaries of the district, or within 10 miles of the district if there is no suitable location in the district. S.B. 239 will ensure the regularly scheduled open meetings of the district are recorded at a reasonable quality and archived on the Internet for viewing by residents. (Original Author's/Sponsor's Statement of Intent).

C.S.S.B. 239 amends current law relating to meetings for certain special purpose districts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 403.0241(c), Government Code, as follows:

(c) Requires the Special Purpose District Public Information Database (database), for each special purpose district described by Subsection (b) (relating to criteria for inclusion in the database) to include:

(1)–(10) makes no changes to these subdivisions;

(11)–(12) makes nonsubstantive changes to these subdivisions;

(13) a link to the Internet website described by Section 49.062(g), Water Code, with a plain language description of how a resident is authorized to 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. Amends Subchapter F, Chapter 551, Government Code, by adding Section 551.1283, as follows:

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

(b) Requires the district, 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, to 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. Requires the district to maintain a copy of the recording for at least one year after the date of the hearing.

(c) Requires a district to 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. Amends Section 49.062, Water Code, by amending Subsections (b) and (c) and adding Subsections (c-1), (e), (f), and (g), as follows:

(b) Requires the governing board of a district (board), if the board establishes a meeting place or places outside the district, to 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 Texas Natural Resource Conservation Commission (TNRCC) and also by publishing notice of the location or locations in a newspaper of general circulation in the district.

(c) Requires the board, after at least 50, rather than at least 25, qualified electors are residing in a district, on written request of at least five of those electors, to designate a meeting place and hold meetings within the district. Authorizes the board, if no suitable meeting place exists inside the district, to designate a meeting place outside the district that is located not further than 10 miles from the boundary of the district. Deletes existing text requiring the board to designate a meeting place and hold meetings within 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) Creates this subsection from existing text. Authorizes five electors, 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 to petition TNRCC to designate a location. Requires, rather than authorizes, TNRCC, if it determines that the meeting place used by the district deprives the residents of a reasonable opportunity to attend district meetings, to 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. Deletes existing text authorizing the board, after the next election, to designate different meeting places, including one located outside the boundaries of the district.

(e) Authorizes the board, after holding a meeting at a place designated under Subsection (c) or (c-1), to hold a hearing on the designation of a different meeting place, including a meeting place outside of the district. Authorizes the board to hold meetings at the designated meeting place if, at the hearing, the board determines that the new meeting place is beneficial to the district and will not deprive the residents of the district of a reasonable opportunity to attend meetings. Prohibits the board from holding meetings at a meeting place outside the district or further than 10 miles from the boundaries of the district if the board receives a petition under Subsection (c-1).

(f) Requires TNRCC to make a determination under Subsection (c-1) not later than the 60th day after the date TNRCC receives the petition.

(g) Requires TNRCC to provide information on TNRCC's Internet website on the process for designation by TNRCC of a meeting place under Subsection (c-1) and a form that is authorized to be used to request that TNRCC make the designation with submission instructions.

SECTION 4. Amends Subchapter C, Chapter 49, Water Code, by adding Section 49.0631, as follows:

Sec. 49.0631. MEETING INFORMATION ON WATER BILL. Requires that a district providing potable water or sewer service, as a part of the district's billing process, include

on a district's bill to a customer the following statement: "For more information about the district, including information about the district's board and board meetings, please go to the Comptroller's Special Purpose District Public Information Database or (district's Internet website if the district maintains an Internet website)." Authorizes the statement to be altered to provide the current Internet website address of either the database created under Section 403.0241 (Special Purpose District Public Information Database), Government Code, or the district.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2019.