

BILL ANALYSIS

Senate Research Center

S.B. 2192
By: Hall
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 54 of the Water Code pertains to the creation of municipal utility districts (MUDs). Section 54.0161 provides for the county review of a district's creation. After a petition is filed with the Texas Commission on Environmental Quality (TCEQ), TCEQ is required to notify the commissioners court of any county in which the proposed district is to be located. The county may then review the petition for creation and make a recommendation to TCEQ via a written opinion.

Despite this process for providing input, it is appropriate to inform all parties of the petition to create a district from the outset, at the time a petition is filed with TCEQ.

This Bill:

- Amends Chapter 54 of the Water Code to add a subsection requiring a letter be sent by the petitioners to the county or counties in which the proposed MUD would exist to solicit feedback on the proposed district.
- Requires the petitioner to include a copy of the letter and any response from the county or counties when filing a petition with TCEQ.
- Specifies that the failure of a commissioners court to respond to a letter is considered an assumption of support for the petition at the time of filing with TCEQ.

As proposed, S.B. 2192 amends current law relating to the contents of a petition filed with the Commission for Environmental Quality.

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 54.015, Water Code, as follows:

Sec. 54.015. CONTENTS OF PETITION. Requires that the petition:

(1) makes no change to this subdivision;

(2)-(3) makes nonsubstantive changes to these subdivisions;

(4)(A) include a copy of a letter sent by certified mail by the petitioners to the commissioners court of a county described by Section 54.0161(a-1) (relating to requiring the Texas Commission on Environmental Quality (TCEQ) to notify the commissioners court of any county in which the proposed district is to be located after a petition is filed with TCEQ to create a district). Requires that a letter sent under this subsection:

(i) describe the proposed district as required by Subdivisions (1), (2), and (3) of this section;

(ii) solicit feedback on the proposed district; and

(iii) be postmarked not later than 90 days before the date a petition is filed with TCEQ; and

(5) include a copy of a response received to a letter described by Subdivision (4)(A). Provides that the failure of a commissioners court to respond to a letter sent under this section is considered an assumption of support for the petition at the time of filing with TCEQ.

SECTION 3. Makes application of Section 54.015, Water Code, as amended by this Act, prospective.

SECTION 4. Effective date: upon passage or September 1, 2023.