

## **BILL ANALYSIS**

Senate Research Center  
88R24325 SCP-F

C.S.S.B. 2192  
By: Hall  
Local Government  
4/20/2023  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Chapter 54 of the Water Code pertains to the creation of municipal utility districts. 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 shall 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 that 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.

#### **Committee Substitute Changes:**

- Legislative Council draft.

C.S.S.B. 2192 amends current law relating to the notice and petition for the creation of a municipal utility district in certain counties.

### **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 Sections 54.001(4) and (5), Water Code, as follows:

(4) Provides that "commission" means the Texas Commission on Environmental Quality (TCEQ), rather than the Texas Natural Resource Conservation Commission (TNRCC).

(5) Provides that "executive director" means the executive director of TCEQ, rather than the executive director of TNRCC.

SECTION 2. Amends Subchapter B, Chapter 54, Water Code, by adding Section 54.0135, as follows:

Sec. 54.0135. PRE-PETITION NOTICE TO CERTAIN COUNTIES. (a) Provides that this section applies only to a proposed district described by Section 54.0161(a) (relating to providing that Section 54.0161 (Review of Creation by County) applies only to a proposed district all of which is to be located outside the corporate limits of a municipality).

(b) Requires that notice be sent by certified mail to the commissioners court of each county in which the proposed district is to be located before a petition requesting creation of a proposed district is filed with TCEQ under Section 54.014 (Petition). Requires that the notice:

(1) 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; and

(2) inform the commissioners court of the right to:

(A) respond to the notice provided under this section;

(B) review the petition requesting creation of the proposed district; and

(C) submit a written opinion on the creation of the proposed district under Section 54.0161.

(c) Requires that notice under this section be sent by certified mail at least 90 days before the date a petition requesting creation of the proposed district is filed with TCEQ under Section 54.014.

(d) Authorizes a commissioners court to respond to a notice required under this section. Provides that if a commissioners court does not respond to the notice by the date a petition requesting creation of the proposed district is filed with TCEQ under Section 54.014, there is a rebuttable presumption that the commissioners court supports the creation of the district.

SECTION 3. Amends Section 54.015, Water Code, as follows:

Sec. 54. 015. CONTENTS OF PETITION. Requires that the petition:

(1) makes no changes to this subdivision;

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

(4) for a district described by Section 54.0161, include a copy of:

(A) the notice described by Section 54.0135; and

(B) any response to the notice provided by the commissioners court.

SECTION 4. Makes application of Section 54.0135, Water Code, as added by this Act, and Section 54.015, Water Code, as amended by this Act, prospective.

SECTION 5. Effective date: upon passage or September 1, 2023.