

CHAPTER 1036

H.B. No. 1937

AN ACT

relating to the appeal of a decision of the board of a municipal utility district regarding facilities constructed for the district.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter D, Chapter 54, Water Code, is amended by adding Sections 54.238–54.241 to read as follows:

Sec. 54.238. *DEFINITIONS. In this subchapter:*

(1) “Developer” means a person who owns a tract of land within a district and who has divided or proposes to divide the tract into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, or to lay out suburban, building, or other lots, and to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

(2) “Facilities” means improvements constructed by a developer for a district.

Sec. 54.239. *APPEAL TO THE COMMISSION OF DECISION OF BOARD REGARDING FACILITIES. A person aggrieved by a decision of a board involving the cost, purchase, or use of facilities may appeal the decision to the commission by filing a petition with the commission seeking appropriate relief within 30 days after the date of the decision. The commission may require a petitioner to include with a petition under this subchapter a deposit in an amount estimated to be sufficient to pay the costs of notice under Section 54.240 of this code and to hold the hearing on the dispute.*

Sec. 54.240. NOTICE. The commission shall give notice of the petition to persons who the commission determines may be affected by the petition, including:

- (1) the board;*
- (2) the owners of land within the district; and*
- (3) the ratepayers of the district who are served by the facilities that are the subject of the petition.*

Sec. 54.241. ACTION ON THE PETITION (a) After notice and hearing, the commission shall render a written decision granting or denying the petition, in whole or in part.

(b) In rendering its decision, the commission shall consider:

- (1) the suitability of and necessity for the facilities;*
- (2) the reasonableness of the cost of the facilities;*
- (3) the economic viability of the district; and*
- (4) any other relevant evidence.*

SECTION 2. This Act takes effect September 1, 1993, and applies to a decision rendered by a board before, on, or after the effective date of this Act.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 30, 1993, by a non-record vote; passed by the Senate on May 26, 1993, by a viva-voce vote.

Filed without signature June 19, 1993.

Effective Sept. 1, 1993.