

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 4715
By: Creighton (Williams)
Intergovernmental Relations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Numerous municipal utility districts in Montgomery County and Liberty County were created by the legislature in 2005 and 2007. Each district had temporary directors appointed and was then required to hold a confirmation election within five years of the effective date of the creation legislation. If such an election is not held, the district is dissolved on the fifth anniversary of the enacting legislation's effective date.

When the districts were created, many new residential communities were being constructed in Montgomery and Liberty Counties. These districts were to provide services to the new communities. However, the current economic environment has created a decrease in the demand for new homes resulting in a decline in new residential development in the greater Houston area. Accordingly, it is now likely that the development timetable will not require such elections to be held prior to the deadlines.

C.S.H.B. 4715 amends current law relating to the terms of temporary directors and to deadlines for elections to confirm the creation of East Montgomery County Municipal Utility Districts Nos. 8, 9, 10, 11, 12, 13, and 14, Montgomery County Municipal Utility Districts Nos. 100 and 101, and Liberty County Municipal Utility District No. 5.

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 8112.021, Special District Local Laws Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Provides that temporary directors serve until the date the directors are elected under Section 8112.023 (Confirmation and Initial Directors' Election), rather than the earlier of the date the directors are elected under Section 8112.023 or the date this chapter expires under Section 8112.003 (Confirmation Election Required).

(e) Requires the successor temporary directors, if permanent directors have not been elected under Section 8112.023 and the terms of the temporary directors have expired, to be appointed or reappointed as provided by Subsection (f) to serve terms that expire on the earlier of the date permanent directors are elected under Section 8112.023 or the fourth anniversary of the date of the appointment or reappointment.

(f) Authorizes the owner or owners of a majority of the assessed value of the real property in the district, if Subsection (e) applies, to submit a petition to TCEQ requesting that TCEQ appoint as successor temporary directors the five persons named in the petition. Requires TCEQ to appoint as successor temporary directors the five persons named in the petition.

SECTION 2. Amends Section 8113.021, Special District Local Laws Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Provides that temporary directors serve until the date the directors are elected under Section 8113.023 (Confirmation and Initial Directors' Election), rather than the earlier of the date the directors are elected under Section 8113.023 or the date this chapter expires under Section 8113.003 (Confirmation Election Required).

(e) Requires the successor temporary directors, if permanent directors have not been elected under Section 8113.023 and the terms of the temporary directors have expired, to be appointed or reappointed as provided by Subsection (f) to serve terms that expire on the earlier of the date permanent directors are elected under Section 8113.023 or the fourth anniversary of the date of the appointment or reappointment.

(f) Authorizes the owner or owners of a majority of the assessed value of the real property in the district, if Subsection (e) applies, to submit a petition to TCEQ requesting that TCEQ appoint as successor temporary directors the five persons named in the petition. Requires TCEQ to appoint as successor temporary directors the five persons named in the petition.

SECTION 3. Amends Section 8114.021, Special District Local Laws Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Provides that temporary directors serve until the date the directors are elected under Section 8114.023 (Confirmation and Initial Directors' Election), rather than the earlier of the date the directors are elected under Section 8114.023 or the date this chapter expires under Section 8114.003 (Confirmation Election Required).

(e) Requires the successor temporary directors, if permanent directors have not been elected under Section 8114.023 and the terms of the temporary directors have expired, to be appointed or reappointed as provided by Subsection (f) to serve terms that expire on the earlier of the date permanent directors are elected under Section 8114.023 or the fourth anniversary of the date of the appointment or reappointment.

(f) Authorizes the owner or owners of a majority of the assessed value of the real property in the district, if Subsection (e) applies, to submit a petition to TCEQ requesting that TCEQ appoint as successor temporary directors the five persons named in the petition. Requires TCEQ to appoint as successor temporary directors the five persons named in the petition.

SECTION 4. Amends Section 8115.021, Special District Local Laws Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Provides that temporary directors serve until the date the directors are elected under Section 8115.023 (Confirmation and Initial Directors' Election), rather than the earlier of the date the directors are elected under Section 8115.023 or the date this chapter expires under Section 8115.003 (Confirmation Election Required).

(e) Requires the successor temporary directors, if permanent directors have not been elected under Section 8115.023 and the terms of the temporary directors have expired, to be appointed or reappointed as provided by Subsection (f) to serve terms that expire on the earlier of the date permanent directors are elected under Section 8115.023 or the fourth anniversary of the date of the appointment or reappointment.

(f) Authorizes the owner or owners of a majority of the assessed value of the real property in the district, if Subsection (e) applies, to submit a petition to TCEQ requesting that TCEQ appoint as successor temporary directors the five persons named in the petition. Requires TCEQ to appoint as successor temporary directors the five persons named in the petition.

SECTION 5. Amends Section 8116.021, Special District Local Laws Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Provides that temporary directors serve until the date the directors are elected under Section 8116.023 (Confirmation and Initial Directors' Election), rather than the earlier of the date the directors are elected under Section 8116.023 or the date this chapter expires under Section 8116.003 (Confirmation Election Required).

(e) Requires the successor temporary directors, if permanent directors have not been elected under Section 8116.023 and the terms of the temporary directors have expired, to be appointed or reappointed as provided by Subsection (f) to serve terms that expire on the earlier of the date permanent directors are elected under Section 8116.023 or the fourth anniversary of the date of the appointment or reappointment.

(f) Authorizes the owner or owners of a majority of the assessed value of the real property in the district, if Subsection (e) applies, to submit a petition to TCEQ requesting that TCEQ appoint as successor temporary directors the five persons named in the petition. Requires TCEQ to appoint as successor temporary directors the five persons named in the petition.

SECTION 6. Amends Section 8117.021, Special District Local Laws Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Provides that temporary directors serve until the date the directors are elected under Section 8117.023 (Confirmation and Initial Directors' Election), rather than the earlier of the date the directors are elected under Section 8117.023 or the date this chapter expires under Section 8117.003 (Confirmation Election Required).

(e) Requires the successor temporary directors, if permanent directors have not been elected under Section 8117.023 and the terms of the temporary directors have expired, to be appointed or reappointed as provided by Subsection (f) to serve terms that expire on the earlier of the date permanent directors are elected under Section 8117.023 or the fourth anniversary of the date of the appointment or reappointment.

(f) Authorizes the owner or owners of a majority of the assessed value of the real property in the district, if Subsection (e) applies, to submit a petition to TCEQ requesting that TCEQ appoint as successor temporary directors the five persons named in the petition. Requires TCEQ to appoint as successor temporary directors the five persons named in the petition.

SECTION 7. Amends Section 8118.021, Special District Local Laws Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Provides that temporary directors serve until the date the directors are elected under Section 8118.023 (Confirmation and Initial Directors' Election), rather than the earlier of the date the directors are elected under Section 8118.023 or the date this chapter expires under Section 8118.003 (Confirmation Election Required).

(e) Requires the successor temporary directors, if permanent directors have not been elected under Section 8118.023 and the terms of the temporary directors have expired, to be appointed or reappointed as provided by Subsection (f) to serve terms that expire on the earlier of the date permanent directors are elected under Section 8118.023 or the fourth anniversary of the date of the appointment or reappointment.

(f) Authorizes the owner or owners of a majority of the assessed value of the real property in the district, if Subsection (e) applies, to submit a petition to TCEQ requesting that TCEQ appoint as successor temporary directors the five persons named in the petition. Requires TCEQ to appoint as successor temporary directors the five persons named in the petition.

SECTION 8. Amends Section 8119.021, Special District Local Laws Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Provides that temporary directors serve until the date the directors are elected under Section 8119.023 (Confirmation and Initial Directors' Election), rather than the earlier of the date the directors are elected under Section 8119.023 or the date this chapter expires under Section 8119.003 (Confirmation Election Required).

(e) Requires the successor temporary directors, if permanent directors have not been elected under Section 8119.023 and the terms of the temporary directors have expired, to be appointed or reappointed as provided by Subsection (f) to serve terms that expire on the earlier of the date permanent directors are elected under Section 8119.023 or the fourth anniversary of the date of the appointment or reappointment.

(f) Authorizes the owner or owners of a majority of the assessed value of the real property in the district, if Subsection (e) applies, to submit a petition to TCEQ requesting that TCEQ appoint as successor temporary directors the five persons named in the petition. Requires TCEQ to appoint as successor temporary directors the five persons named in the petition.

SECTION 9. Amends Section 8120.021, Special District Local Laws Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Provides that temporary directors serve until the date the directors are elected under Section 8120.023 (Confirmation and Initial Directors' Election), rather than the earlier of the date the directors are elected under Section 8120.023 or the date this chapter expires under Section 8120.003 (Confirmation Election Required).

(e) Requires the successor temporary directors, if permanent directors have not been elected under Section 8120.023 and the terms of the temporary directors have expired, to be appointed or reappointed as provided by Subsection (f) to serve terms that expire on the earlier of the date permanent directors are elected under Section 8120.023 or the fourth anniversary of the date of the appointment or reappointment.

(f) Authorizes the owner or owners of a majority of the assessed value of the real property in the district, if Subsection (e) applies, to submit a petition to TCEQ requesting that TCEQ appoint as successor temporary directors the five persons named in the petition. Requires TCEQ to appoint as successor temporary directors the five persons named in the petition.

SECTION 10. Amends Section 8185.021, Special District Local Laws Code, by amending Subsection (d) and adding Subsections (e) and (f), as follows:

(d) Provides that temporary directors serve until the date the directors are elected under Section 8185.023 (Confirmation and Initial Directors' Election), rather than the earlier of the date the directors are elected under Section 8185.023 or the date this chapter expires under Section 8185.003 (Confirmation Election Required).

(e) Requires the successor temporary directors, if permanent directors have not been elected under Section 8185.023 and the terms of the temporary directors have expired, to be appointed or reappointed as provided by Subsection (f) to serve terms that expire on the earlier of the date permanent directors are elected under Section 8185.023 or the fourth anniversary of the date of the appointment or reappointment.

(f) Authorizes the owner or owners of a majority of the assessed value of the real property in the district, if Subsection (e) applies, to submit a petition to the Texas Commission on Environmental Quality (TCEQ) requesting that TCEQ appoint as successor temporary directors the five persons named in the petition. Requires TCEQ to appoint as successor temporary directors the five persons named in the petition.

SECTION 11. Repealers: Sections 8112.003 (Confirmation Election Required), 8112.026 (Expiration of Subchapter), 8113.003 (Confirmation Election Required), 8113.026 (Expiration of Subchapter), 8114.003 (Confirmation Election Required), 8114.026 (Expiration of Subchapter), 8115.003 (Confirmation Election Required), 8115.026 (Expiration of Subchapter), 8116.003 (Confirmation Election Required), 8116.026 (Expiration of Subchapter), 8117.003 (Confirmation Election Required), 8117.026 (Expiration of Subchapter), 8118.003 (Confirmation Election Required), 8118.026 (Expiration of Subchapter), 8119.003 (Confirmation Election Required), 8119.026 (Expiration of Subchapter), 8120.003 (Confirmation Election Required), 8120.026 (Expiration of Subchapter), 8185.003 (Confirmation Election Required), and 8185.026 (Expiration of Subchapter), Special District Local Laws Code.

SECTION 12. (a) Provides that the legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code.

(b) Provides that the governor, one of the required recipients, has submitted the notice and Act to TCEQ.

(c) Provides that TCEQ has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 13. Effective date: upon passage or September 1, 2009.