

SENATE AMENDMENTS

2nd Printing

By: Creighton

H.B. No. 4715

A BILL TO BE ENTITLED

AN ACT

1
2 relating to deadlines for elections to confirm the creation of East
3 Montgomery County Municipal Utility Districts Nos. 8, 9, 10, 11,
4 12, 13, and 14, Montgomery County Municipal Utility Districts Nos.
5 100 and 101, and Liberty County Municipal Utility District No. 5.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 8112.021(d), Special District Local Laws
8 Code, is amended to read as follows:

9 (d) Temporary directors serve until [~~the earlier of:~~
10 [~~(1)~~] the date the directors are elected under Section
11 8112.023 [~~or~~
12 [~~(2) the date this chapter expires under Section~~
13 ~~8112.003~~].

14 SECTION 2. Section 8113.021(d), Special District Local Laws
15 Code, is amended to read as follows:

16 (d) Temporary directors serve until [~~the earlier of:~~
17 [~~(1)~~] the date the directors are elected under Section
18 8113.023 [~~or~~
19 [~~(2) the date this chapter expires under Section~~
20 ~~8113.003~~].

21 SECTION 3. Section 8114.021(d), Special District Local Laws
22 Code, is amended to read as follows:

23 (d) Temporary directors serve until [~~the earlier of:~~
24 [~~(1)~~] the date the directors are elected under Section

1 8114.023[~~or~~

2 [~~(2) the date this chapter expires under Section~~
3 ~~8114.003~~].

4 SECTION 4. Section 8115.021(d), Special District Local Laws
5 Code, is amended to read as follows:

6 (d) Temporary directors serve until [~~the earlier of:~~

7 [~~(1)~~] the date the directors are elected under Section
8 8115.023[~~or~~

9 [~~(2) the date this chapter expires under Section~~
10 ~~8115.003~~].

11 SECTION 5. Section 8116.021(d), Special District Local Laws
12 Code, is amended to read as follows:

13 (d) Temporary directors serve until [~~the earlier of:~~

14 [~~(1)~~] the date the directors are elected under Section
15 8116.023[~~or~~

16 [~~(2) the date this chapter expires under Section~~
17 ~~8116.003~~].

18 SECTION 6. Section 8117.021(d), Special District Local Laws
19 Code, is amended to read as follows:

20 (d) Temporary directors serve until [~~the earlier of:~~

21 [~~(1)~~] the date the directors are elected under Section
22 8117.023[~~or~~

23 [~~(2) the date this chapter expires under Section~~
24 ~~8117.003~~].

25 SECTION 7. Section 8118.021(d), Special District Local Laws
26 Code, is amended to read as follows:

27 (d) Temporary directors serve until [~~the earlier of:~~

1 ~~[(1)]~~ the date the directors are elected under Section
2 8118.023~~[, or~~

3 ~~[(2) the date this chapter expires under Section~~
4 ~~8118.003]~~.

5 SECTION 8. Section 8119.021(d), Special District Local Laws
6 Code, is amended to read as follows:

7 (d) Temporary directors serve until ~~[the earlier of:~~

8 ~~[(1)]~~ the date the directors are elected under Section
9 8119.023~~[, or~~

10 ~~[(2) the date this chapter expires under Section~~
11 ~~8119.003]~~.

12 SECTION 9. Section 8120.021(d), Special District Local Laws
13 Code, is amended to read as follows:

14 (d) Temporary directors serve until ~~[the earlier of:~~

15 ~~[(1)]~~ the date the directors are elected under Section
16 8120.023~~[, or~~

17 ~~[(2) the date this chapter expires under Section~~
18 ~~8120.003]~~.

19 SECTION 10. Section 8185.021(d), Special District Local
20 Laws Code, is amended to read as follows:

21 (d) Temporary directors serve until ~~[the earlier of:~~

22 ~~[(1)]~~ the date the directors are elected under Section
23 8185.023~~[, or~~

24 ~~[(2) the date this chapter expires under Section~~
25 ~~8185.003]~~.

26 SECTION 11. Sections 8112.003, 8112.026, 8113.003,
27 8113.026, 8114.003, 8114.026, 8115.003, 8115.026, 8116.003,

1 8116.026, 8117.003, 8117.026, 8118.003, 8118.026, 8119.003,
2 8119.026, 8120.003, 8120.026, 8185.003, and 8185.026, Special
3 District Local Laws Code, are repealed.

4 SECTION 12. (a) The legal notice of the intention to
5 introduce this Act, setting forth the general substance of this
6 Act, has been published as provided by law, and the notice and a
7 copy of this Act have been furnished to all persons, agencies,
8 officials, or entities to which they are required to be furnished
9 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
10 Government Code.

11 (b) The governor, one of the required recipients, has
12 submitted the notice and Act to the Texas Commission on
13 Environmental Quality.

14 (c) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this Act with the governor, the
16 lieutenant governor, and the speaker of the house of
17 representatives within the required time.

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act are fulfilled
21 and accomplished.

22 SECTION 13. This Act takes effect immediately if it
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas Constitution.
25 If this Act does not receive the vote necessary for immediate
26 effect, this Act takes effect September 1, 2009.

ADOPTED

JULY 27 2009

Atty Gen
Secretary of the Senate

By: Creighton

H.B. No. 4715

Substitute the following for H.B. No. 4715:

By: [Signature]

C.S. H.B. No. 4715

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the terms of temporary directors and to deadlines for
3 elections to confirm the creation of East Montgomery County
4 Municipal Utility Districts Nos. 8, 9, 10, 11, 12, 13, and 14,
5 Montgomery County Municipal Utility Districts Nos. 100 and 101, and
6 Liberty County Municipal Utility District No. 5.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Section 8112.021, Special District Local Laws
9 Code, is amended by amending Subsection (d) and adding Subsections
10 (e) and (f) to read as follows:

11 (d) Temporary directors serve until ~~[the earlier of:~~

12 ~~[(1)]~~ the date the directors are elected under Section

13 8112.023~~[, or~~

14 ~~[(2)] the date this chapter expires under Section~~

15 ~~8112.003].~~

16 (e) If permanent directors have not been elected under
17 Section 8112.023 and the terms of the temporary directors have
18 expired, successor temporary directors shall be appointed or
19 reappointed as provided by Subsection (f) to serve terms that
20 expire on the earlier of:

21 (1) the date permanent directors are elected under
22 Section 8112.023; or

23 (2) the fourth anniversary of the date of the
24 appointment or reappointment.

1 (f) If Subsection (e) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 SECTION 2. Section 8113.021, Special District Local Laws
9 Code, is amended by amending Subsection (d) and adding Subsections
10 (e) and (f) to read as follows:

11 (d) Temporary directors serve until [~~the earlier of:~~
12 ~~[(1)]~~ the date the directors are elected under Section
13 8113.023[~~, or~~
14 ~~[(2)] the date this chapter expires under Section~~
15 8113.003].

16 (e) If permanent directors have not been elected under
17 Section 8113.023 and the terms of the temporary directors have
18 expired, successor temporary directors shall be appointed or
19 reappointed as provided by Subsection (f) to serve terms that
20 expire on the earlier of:

21 (1) the date permanent directors are elected under
22 Section 8113.023; or

23 (2) the fourth anniversary of the date of the
24 appointment or reappointment.

25 (f) If Subsection (e) applies, the owner or owners of a
26 majority of the assessed value of the real property in the district
27 may submit a petition to the commission requesting that the

1 commission appoint as successor temporary directors the five
2 persons named in the petition. The commission shall appoint as
3 successor temporary directors the five persons named in the
4 petition.

5 SECTION 3. Section 8114.021, Special District Local Laws
6 Code, is amended by amending Subsection (d) and adding Subsections
7 (e) and (f) to read as follows:

8 (d) Temporary directors serve until [~~the earlier of:~~
9 [~~(1)~~] the date the directors are elected under Section
10 8114.023 [~~or~~

11 [~~(2)~~ the date this chapter expires under Section
12 8114.003].

13 (e) If permanent directors have not been elected under
14 Section 8114.023 and the terms of the temporary directors have
15 expired, successor temporary directors shall be appointed or
16 reappointed as provided by Subsection (f) to serve terms that
17 expire on the earlier of:

18 (1) the date permanent directors are elected under
19 Section 8114.023; or

20 (2) the fourth anniversary of the date of the
21 appointment or reappointment.

22 (f) If Subsection (e) applies, the owner or owners of a
23 majority of the assessed value of the real property in the district
24 may submit a petition to the commission requesting that the
25 commission appoint as successor temporary directors the five
26 persons named in the petition. The commission shall appoint as
27 successor temporary directors the five persons named in the

1 petition.

2 SECTION 4. Section 8115.021, Special District Local Laws
3 Code, is amended by amending Subsection (d) and adding Subsections
4 (e) and (f) to read as follows:

5 (d) Temporary directors serve until [~~the earlier of~~
6 [~~(1)~~] the date the directors are elected under Section
7 8115.023[~~, or~~
8 [~~(2)~~ the date this chapter expires under Section
9 8115.003].

10 (e) If permanent directors have not been elected under
11 Section 8115.023 and the terms of the temporary directors have
12 expired, successor temporary directors shall be appointed or
13 reappointed as provided by Subsection (f) to serve terms that
14 expire on the earlier of:

15 (1) the date permanent directors are elected under
16 Section 8115.023; or

17 (2) the fourth anniversary of the date of the
18 appointment or reappointment.

19 (f) If Subsection (e) applies, the owner or owners of a
20 majority of the assessed value of the real property in the district
21 may submit a petition to the commission requesting that the
22 commission appoint as successor temporary directors the five
23 persons named in the petition. The commission shall appoint as
24 successor temporary directors the five persons named in the
25 petition.

26 SECTION 5. Section 8116.021, Special District Local Laws
27 Code, is amended by amending Subsection (d) and adding Subsections

1 (e) and (f) to read as follows:

2 (d) Temporary directors serve until [~~the earlier of:~~
3 [~~(1)~~] the date the directors are elected under Section
4 8116.023 [~~, or~~
5 [~~(2) the date this chapter expires under Section~~
6 8116.003].

7 (e) If permanent directors have not been elected under
8 Section 8116.023 and the terms of the temporary directors have
9 expired, successor temporary directors shall be appointed or
10 reappointed as provided by Subsection (f) to serve terms that
11 expire on the earlier of:

12 (1) the date permanent directors are elected under
13 Section 8116.023; or

14 (2) the fourth anniversary of the date of the
15 appointment or reappointment.

16 (f) If Subsection (e) applies, the owner or owners of a
17 majority of the assessed value of the real property in the district
18 may submit a petition to the commission requesting that the
19 commission appoint as successor temporary directors the five
20 persons named in the petition. The commission shall appoint as
21 successor temporary directors the five persons named in the
22 petition.

23 SECTION 6. Section 8117.021, Special District Local Laws
24 Code, is amended by amending Subsection (d) and adding Subsections
25 (e) and (f) to read as follows:

26 (d) Temporary directors serve until [~~the earlier of:~~
27 [~~(1)~~] the date the directors are elected under Section

1 8117.023[~~or~~

2 [~~(2) the date this chapter expires under Section~~
3 ~~8117.003~~].

4 (e) If permanent directors have not been elected under
5 Section 8117.023 and the terms of the temporary directors have
6 expired, successor temporary directors shall be appointed or
7 reappointed as provided by Subsection (f) to serve terms that
8 expire on the earlier of:

9 (1) the date permanent directors are elected under
10 Section 8117.023; or

11 (2) the fourth anniversary of the date of the
12 appointment or reappointment.

13 (f) If Subsection (e) applies, the owner or owners of a
14 majority of the assessed value of the real property in the district
15 may submit a petition to the commission requesting that the
16 commission appoint as successor temporary directors the five
17 persons named in the petition. The commission shall appoint as
18 successor temporary directors the five persons named in the
19 petition.

20 SECTION 7. Section 8118.021, Special District Local Laws
21 Code, is amended by amending Subsection (d) and adding Subsections
22 (e) and (f) to read as follows:

23 (d) Temporary directors serve until [~~the earlier of,~~

24 [~~(1)~~] the date the directors are elected under Section
25 8118.023[~~or~~

26 [~~(2) the date this chapter expires under Section~~
27 ~~8118.003~~].

1 (e) If permanent directors have not been elected under
2 Section 8118.023 and the terms of the temporary directors have
3 expired, successor temporary directors shall be appointed or
4 reappointed as provided by Subsection (f) to serve terms that
5 expire on the earlier of:

6 (1) the date permanent directors are elected under
7 Section 8118.023; or

8 (2) the fourth anniversary of the date of the
9 appointment or reappointment.

10 (f) If Subsection (e) applies, the owner or owners of a
11 majority of the assessed value of the real property in the district
12 may submit a petition to the commission requesting that the
13 commission appoint as successor temporary directors the five
14 persons named in the petition. The commission shall appoint as
15 successor temporary directors the five persons named in the
16 petition.

17 SECTION 8. Section 8119.021, Special District Local Laws
18 Code, is amended by amending Subsection (d) and adding Subsections
19 (e) and (f) to read as follows:

20 (d) Temporary directors serve until [~~the earlier of:~~
21 ~~(1)~~] the date the directors are elected under Section
22 8119.023 [~~or~~

23 ~~(2) the date this chapter expires under Section~~
24 ~~8119.003].~~

25 (e) If permanent directors have not been elected under
26 Section 8119.023 and the terms of the temporary directors have
27 expired, successor temporary directors shall be appointed or

1 reappointed as provided by Subsection (f) to serve terms that
2 expire on the earlier of:

3 (1) the date permanent directors are elected under
4 Section 8119.023; or

5 (2) the fourth anniversary of the date of the
6 appointment or reappointment.

7 (f) If Subsection (e) applies, the owner or owners of a
8 majority of the assessed value of the real property in the district
9 may submit a petition to the commission requesting that the
10 commission appoint as successor temporary directors the five
11 persons named in the petition. The commission shall appoint as
12 successor temporary directors the five persons named in the
13 petition.

14 SECTION 9. Section 8120.021, Special District Local Laws
15 Code, is amended by amending Subsection (d) and adding Subsections
16 (e) and (f) to read as follows:

17 (d) Temporary directors serve until ~~the earlier of:~~

18 ~~[(1)] the date the directors are elected under Section~~
19 ~~8120.023 [~~+~~ or~~

20 ~~[(2)] the date this chapter expires under Section~~
21 ~~8120.003].~~

22 (e) If permanent directors have not been elected under
23 Section 8120.023 and the terms of the temporary directors have
24 expired, successor temporary directors shall be appointed or
25 reappointed as provided by Subsection (f) to serve terms that
26 expire on the earlier of:

27 (1) the date permanent directors are elected under

1 Section 8120.023; or
2 (2) the fourth anniversary of the date of the
3 appointment or reappointment.
4 (f) If Subsection (e) applies, the owner or owners of a
5 majority of the assessed value of the real property in the district
6 may submit a petition to the commission requesting that the
7 commission appoint as successor temporary directors the five
8 persons named in the petition. The commission shall appoint as
9 successor temporary directors the five persons named in the
10 petition.
11 SECTION 10. Section 8185.021, Special District Local Laws
12 Code, is amended by amending Subsection (d) and adding Subsections
13 (e) and (f) to read as follows:
14 (d) Temporary directors serve until [~~the earlier of:~~
15 ~~(1)~~] the date the directors are elected under Section
16 8185.023[~~, or~~
17 ~~(2) the date this chapter expires under Section~~
18 ~~8185.003~~].
19 (e) If permanent directors have not been elected under
20 Section 8185.023 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (f) to serve terms that
23 expire on the earlier of:
24 (1) the date permanent directors are elected under
25 Section 8185.023; or
26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

1 (f) If Subsection (e) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 SECTION 11. Sections 8112.003, 8112.026, 8113.003,
9 8113.026, 8114.003, 8114.026, 8115.003, 8115.026, 8116.003,
10 8116.026, 8117.003, 8117.026, 8118.003, 8118.026, 8119.003,
11 8119.026, 8120.003, 8120.026, 8185.003, and 8185.026, Special
12 District Local Laws Code, are repealed.

13 SECTION 12. (a) The legal notice of the intention to
14 introduce this Act, setting forth the general substance of this
15 Act, has been published as provided by law, and the notice and a
16 copy of this Act have been furnished to all persons, agencies,
17 officials, or entities to which they are required to be furnished
18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
19 Government Code.

20 (b) The governor, one of the required recipients, has
21 submitted the notice and Act to the Texas Commission on
22 Environmental Quality.

23 (c) The Texas Commission on Environmental Quality has filed
24 its recommendations relating to this Act with the governor, the
25 lieutenant governor, and the speaker of the house of
26 representatives within the required time.

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 13. This Act takes effect immediately if it
5 receives a vote of two-thirds of all the members elected to each
6 house, as provided by Section 39, Article III, Texas Constitution.
7 If this Act does not receive the vote necessary for immediate
8 effect, this Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4715 by Creighton (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.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, DB, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4715 by Creighton (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.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, DB, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB4715** by Creighton (Relating 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.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, DB, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4715 by Creighton (Relating 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.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, DB, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

April 6, 2009

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4715 by Creighton (Relating 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.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TPWD) and the Texas Commission on Environmental Quality (TCEQ) has determined that:

"No Water Development Policy Impact Statement will be prepared for this bill under the provisions of Texas Constitution, Article 16, Section 59(d) as this bill does not create a conservation and reclamation district."

Source Agencies: 580 Water Development Board, 582 Commission on Environmental Quality

LBB Staff: JOB, KK