

BILL ANALYSIS

S.B. 323
By: Williams
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Montgomery County Municipal Utility District No. 104 (district) was created by Chapter 960, Acts of the 80th Legislature, Regular Session, 2007. The enabling legislation provided for the district to dissolve if the creation of the district is not confirmed at a confirmation election before September 1, 2015. S.B. 323 repeals the confirmation election deadline; provides for a new deadline for election of initial directors, or if failing, allows the Texas Commission on Environmental Quality to appoint directors; and repeals the dissolution provision.

As proposed, S.B. 323 amends current law relating to the period for confirmation and the terms of the temporary directors of the Montgomery County Municipal Utility District No. 104.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 8244.021, Special District Local Laws Code, by amending Subsection (b) and adding Subsections (c) and (d), as follows:

(b) Provides that temporary directors of the board serve until the earlier of the date initial directors are elected under Section 8244.023 (Confirmation and Initial Directors' Election) or September 1, 2013, rather than the date this subchapter expires under Section 8244.025 (Expiration of Subchapter).

(c) Requires that, if initial directors have not been elected under Section 8244.023 and the terms of the temporary directors have expired, successor temporary directors be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of the date initial directors are elected under Section 8244.023 or the fourth anniversary of the date of the appointment or reappointment.

(d) Authorizes the owner or owners of a majority of the assessed value of the real property in the Montgomery County Municipal Utility District No. 104 (district), if Subsection (c) 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 2. Repealers: Sections 8244.003 (Confirmation Election Required) and 8244.025 (Expiration of Subchapter), Special District Local Laws Code.

SECTION 3. Provides that all requirements of the constitution and the 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 4. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house; otherwise, this Act takes effect September 1, 2013.