

BILL ANALYSIS

Senate Research Center
86R12680 SLB-D

H.B. 4747
By: Stephenson (Kolkhorst)
Intergovernmental Relations
5/16/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4747 amends current law relating to the board of directors of the Boling Municipal Water District.

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 9018.001, Special District Local Laws Code, by adding Subdivisions (1-a) and (1-b) to define "commission" to mean the Texas Commission on Environmental Quality (TCEQ) and to define "director" to mean a board member.

SECTION 2. Amends Subchapter C, Chapter 9018, Special District Local Laws Code, by adding Section 9018.102, as follows:

Sec. 9018.102. TEMPORARY DIRECTORS. (a) Requires the temporary board to hold an election under Section 49.102 (Confirmation and Director Election), Water Code, to elect permanent directors. Provides that the temporary board consists of certain specified individuals.

(b) Provides that temporary directors serve until the earlier of the date permanent directors are elected at an election held under Section 49.102, Water Code, or the fourth anniversary of the effective date of the Act enacting this section.

(c) Requires successor temporary directors, if permanent directors have not been elected at an election held under Section 49.102, Water Code, and the terms of the temporary directors have expired, to be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of the date permanent directors are elected at an election held under Section 49.102, Water Code, 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 district, if Subsection (c) 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. Provides that the Boling Municipal Water District retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 4. (a) Provides that the legislature validates and confirms all governmental acts and proceedings of the Boling Municipal Water District that were taken before the effective date of this Act.

(b) Provides that this section does not apply to any matter that on the effective date of this Act is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

SECTION 5. (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; Development of Parks and Recreational Facilities; Conservation and Reclamation Districts; Indebtedness and Taxation Authorized), 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 6. Effective date: upon passage or September 1, 2019.