By:  Stephenson (Senate Sponsor - Kolkhorst) H.B. No. 4747

(In the Senate - Received from the House May 13, 2019; May 14, 2019, read first time and referred to Committee on Intergovernmental Relations; May 17, 2019, reported favorably by the following vote: Yeas 7, Nays 0; May 17, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Lucio                X

Schwertner           X

Alvarado             X

Campbell             X

Fallon               X

Menéndez             X

Nichols              X

A BILL TO BE ENTITLED

AN ACT

relating to the board of directors of the Boling Municipal Water District.

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

SECTION 1.  Section 9018.001, Special District Local Laws Code, is amended by adding Subdivisions (1-a) and (1-b) to read as follows:

(1-a)  "Commission" means the Texas Commission on Environmental Quality.

(1-b)  "Director" means a board member.

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

Sec. 9018.102.  TEMPORARY DIRECTORS. (a) The temporary board shall hold an election under Section 49.102, Water Code, to elect permanent directors. The temporary board consists of:

(1)  Brett Glenn;

(2)  Steve Nelson;

(3)  James Ezell;

(4)  Theodore Rangel; and

(5)  Bobby Charles.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected at an election held under Section 49.102, Water Code; or

(2)  the fourth anniversary of the effective date of the Act enacting this section.

(c)  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, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1)  the date permanent directors are elected at an election held under Section 49.102, Water Code; or

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

(d)  If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SECTION 3.  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) 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)  This section does not apply to any matter that on the effective date of this Act:

(1)  is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2)  has been held invalid by a final court judgment.

SECTION 5.  (a)  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, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

(c)  The Texas Commission on Environmental Quality 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)  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.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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