

## **BILL ANALYSIS**

Senate Research Center  
81R5241 PMO-F

S.B. 2461  
By: Williams  
Intergovernmental Relations  
4/20/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The legislation that created East Montgomery County Municipal Utility District Nos. 8, 9, 10, 11, 12, 13, and 14, Montgomery County Municipal Utility District Nos. 100 and 101, and Liberty County Municipal Utility District No. 5 required confirmation elections in each district within five years of the effective dates. If such confirmation election is not held prior to such date, the district is dissolved on the fifth anniversary of the effective date of the bill.

At the time of creation of the districts, it was anticipated that development of new residential communities would commence upon the properties prior to the fifth anniversary of the effective dates of the bills. 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 and the nation as a whole. Accordingly, it is now likely that the development timetable will not require such elections to be held prior to the deadlines. Repeal of the election deadlines will serve to preserve the creations of the districts until such time as development necessitates activation of the municipal utility district and consequently the holding of a confirmation election.

As proposed, S.B. 2461 repeals the requirement to hold a confirmation election by a certain date in each of the 10 municipal utility districts listed above.

### **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(d), Special District Local Laws Code, to provide 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).

SECTION 2. Amends Section 8113.021(d), Special District Local Laws Code, to provide 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).

SECTION 3. Amends Section 8114.021(d), Special District Local Laws Code, to provide 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).

SECTION 4. Amends Section 8115.021(d), Special District Local Laws Code, to provide 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).

SECTION 5. Amends Section 8116.021(d), Special District Local Laws Code, to provide 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).

SECTION 6. Amends Section 8117.021(d), Special District Local Laws Code, to provide 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).

SECTION 7. Amends Section 8118.021(d), Special District Local Laws Code, to provide 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).

SECTION 8. Amends Section 8119.021(d), Special District Local Laws Code, to provide 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).

SECTION 9. Amends Section 8120.021(d), Special District Local Laws Code, to provide 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).

SECTION 10. Amends Section 8185.021(d), Special District Local Laws Code, to provide 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).

SECTION 11. Repealer: Sections 8112.003, 8112.026 (Expiration of Subchapter), 8113.003, 8113.026 (Expiration of Subchapter), 8114.003, 8114.026 (Expiration of Subchapter), 8115.003, 8115.026 (Expiration of Subchapter), 8116.003, 8116.026 (Expiration of Subchapter), 8117.003, 8117.026 (Expiration of Subchapter), 8118.003, 8118.026 (Expiration of Subchapter), 8119.003, 8119.026 (Expiration of Subchapter), 8120.003, 8120.026 (Expiration of Subchapter), 8185.003, 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 the Texas Commission on Environmental Quality (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.