

## **BILL ANALYSIS**

C.S.H.B. 4006  
By: Olivo  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Continuing development and growth in the Richmond-Rosenberg/ U.S. 59 area of Fort Bend County has created the need for large-scale, permanent improvements such as water supply and distribution facilities, wastewater collection and treatment facilities, and levee and drainage projects. Article XVI, Section 59, of the Constitution of Texas provides for the creation of conservation and reclamation districts which are authorized to incur indebtedness to provide such permanent improvements and to levy taxes for the maintenance and operation of such improvements and for the repayment of such indebtedness.

Pursuant to Article XVI, Section 59, of the Constitution of Texas, and subject to the continuing supervisory jurisdiction of the Texas Commission on Environmental Quality, C.S.H.B. 4006 creates a municipal utility district to be known as Booth Ranch Municipal Utility District of Fort Bend County, Texas, over a tract of land containing 915.7374 acres of land adjacent to the Brazos River just south of its intersection with U.S. 59.

### **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**

Amends Subtitle F, Title 6, special District Local Laws Code, by adding Chapter 8242 defining terms, describing the nature of the district, requiring a confirmation election, finding a public benefit, finding a boundary closure, providing for a governing board, granting municipal utility district powers, requiring compliance with general law consent requirements, and authorizing bonds and taxes with voter approval. Describes the territory to be contained within the district. Finds that all of the requirements for introduction and passage of this Act have been fulfilled. Finds that compliance with the general laws relating to consent to creation of the district will be achieved if such consent is obtained prior to confirmation of creation of the district. Provides for an effective date.

### **EFFECTIVE DATE**

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, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 4006 differs from the original in that it adds Subsection (b), Section 8242.004 to state that the district is created to accomplish the purposes of a municipal utility district as provided by general law. In section 8242.051, C.S.H.B. 4006 provides an exception for Section 8242.053 not contained in the introduced version. C.S.H.B. 4006 adds Section 8242.052 to provide that on the uniform election date in May of each even-numbered year, the appropriate number of directors shall be elected. C.S.H.B. 4006 also renumbers Section 8242.052 (INITIAL DIRECTORS) in the introduced version to Section 8242.053. C.S.H.B. 4006, in Section 8242.053, does not contain a provision contained in the introduced version providing that if an initial director fails to qualify for office, the commission shall appoint a person to fill the vacancy. In C.S.H.B. 4006, in Section 8242.053, the initial directors decide initial terms of office by lot, with a simple

C.S.H.B. 4006 80(R)

majority of directors serving until the second succeeding directors election and the remaining directors serving until the next directors election. In the introduced version, the directors draw lots to determine which two shall serve until the first regularly scheduled election of directors and which three shall serve until the second regularly scheduled election of directors.

C.S.H.B. 4006 also deletes the provisions related to additional levee powers and permits a municipality in whose corporate limits a portion of the land in the district is situated to include additional conditions in its consent to creation of the district.