

## **BILL ANALYSIS**

H.B. 4046  
By: Eissler  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Continuing development and growth in southern Montgomery County has created the need for large-scale, permanent improvements such as water supply and distribution facilities, wastewater collection and treatment facilities, drainage and flood control projects, recreational facilities, and major thoroughfare improvements. Article XVI, Section 59, and Article III, Section 52, of the Constitution of Texas provide for the creation of local governmental 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, and Article III, Section 52, of the Constitution of Texas, and subject to the continuing supervisory jurisdiction of the Texas Commission on Environmental Quality, H.B. 4046 creates a municipal utility district, with additional limited road powers, to be known as Montgomery County Municipal Utility District No. 104, over a tract of land containing 1,073.141 acres of land in southern Montgomery County.

### **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 Subtitle F, Title 6, special District Local Laws Code, by adding Chapter 8244 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 and limited road powers, granting the power to develop and maintain recreational facilities, requiring compliance with general law consent requirements, and authorizing bonds and taxes with voter approval, and providing for dissolution of the district if confirmation of creation of the district does not occur by September 1, 2015.

Section 2. Describes the territory to be contained within the district.

Section 3. Finds that all of the requirements for notice, introduction and passage of this Act have been fulfilled.

Section 4. 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.

Section 5. Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.