

By: Eissler

H.B. No. 4104

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the powers and duties of the Montgomery County
3 Municipal Utility District No. 112; providing authority to impose a
4 tax and issue bonds.

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

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 8261 to read as follows:

8 CHAPTER 8261. MONTGOMERY COUNTY MUNICIPAL UTILITY

9 DISTRICT NO. 112

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8261.001. DEFINITION. In this chapter, "district"
12 means the Montgomery County Municipal Utility District No. 112.

13 Sec. 8261.002. NATURE OF DISTRICT. The district is a
14 municipal utility district created under and essential to
15 accomplish the purposes of Section 59, Article XVI, Texas
16 Constitution.

17 Sec. 8261.003. APPLICABILITY OF OTHER LAW. Except as
18 otherwise provided by this chapter, the following laws apply to the
19 district:

20 (1) Chapters 49 and 54, Water Code, including
21 Subchapter J, Chapter 54, Water Code, notwithstanding the
22 limitation on authorization based on acreage under Section 54.801
23 of that code; and

24 (2) Section 52(b)(3), Article III, Texas

1 Constitution.

2 [Sections 8261.004-8261.050 reserved for expansion]

3 SUBCHAPTER B. POWERS AND DUTIES

4 Sec. 8261.051. ROAD PROJECTS. (a) The district may
5 construct, acquire, improve, maintain, or operate macadamized,
6 graveled, or paved roads, or improvements in aid of those roads,
7 inside the district.

8 (b) A road project must meet all applicable construction
9 standards and regulatory ordinances of each municipality or county
10 in whose jurisdiction the district is located.

11 Sec. 8261.052. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
12 OR RESOLUTION. The district shall comply with all applicable
13 requirements of any ordinance or resolution adopted by the
14 governing body of a municipality that consents to the creation of
15 the district or to the inclusion of land in the district.

16 [Sections 8261.053-8261.100 reserved for expansion]

17 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

18 Sec. 8261.101. TAX TO REPAY BONDS FOR ROAD PROJECTS. The
19 district may impose a tax to pay the principal of or interest on
20 bonds issued under Section 8261.151.

21 [Sections 8261.102-8261.150 reserved for expansion]

22 SUBCHAPTER D. BONDS

23 Sec. 8261.151. AUTHORITY TO ISSUE BONDS AND OTHER
24 OBLIGATIONS. (a) The district may issue bonds or other obligations
25 as provided by Chapters 49 and 51, Water Code, to finance the
26 construction, maintenance, or operation of a project under Section
27 8261.051.

1 (b) The district may not issue bonds or other obligations to
2 finance projects authorized by Section 8261.051 unless the issuance
3 is approved by a vote of a two-thirds majority of the district
4 voters, or a two-thirds majority of voters in a defined area that
5 will benefit from the project, as provided by Subchapter J, Chapter
6 54, Water Code, voting at an election called for that purpose. The
7 simple majority vote approval required by Section 54.808(a), Water
8 Code, does not apply to an election under this section.

9 (c) Bonds or other obligations issued or incurred to finance
10 projects authorized by Section 8261.051 may not exceed one-fourth
11 of the assessed value of the real property in the district or the
12 defined area, if applicable.

13 SECTION 2. (a) The legal notice of the intention to
14 introduce this Act, setting forth the general substance of this
15 Act, has been published as provided by law, and the notice and a
16 copy of this Act have been furnished to all persons, agencies,
17 officials, or entities to which they are required to be furnished
18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
19 Government Code.

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

23 (c) The Texas Commission on Environmental Quality has filed
24 its recommendations relating to this Act with the governor, the
25 lieutenant governor, and the speaker of the house of
26 representatives within the required time.

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 3. This Act takes effect September 1, 2007.