

By: Eissler

H.B. No. 4104

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 8261. MONTGOMERY COUNTY MUNICIPAL UTILITY

DISTRICT NO. 112

SUBCHAPTER A. GENERAL PROVISIONS

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

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

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

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

(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.