

BILL ANALYSIS

H.B. 4758
By: Eissler
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Continuing development and growth in Montgomery County has created the need for large-scale, permanent improvements, such as drainage and flood control facilities and recreational facilities. The constitution provides for local governmental districts that are authorized to incur indebtedness to provide such permanent improvements, to levy taxes for the maintenance and operation of such improvements, and for the repayment of such indebtedness.

H.B. 4758 creates the Montgomery County Water Control and Improvement District No. 3 over a tract of land containing approximately 1,411 acres of land in Montgomery County, pursuant to the constitution and subject to the continuing supervisory jurisdiction of the Texas Commission on Environmental Quality.

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

H.B. 4758 amends the Special District Local Laws Code to set forth standard language for the creation of the Montgomery County Water Control and Improvement District No. 3. The bill sets forth general provisions for the nature of the district, the confirmation of the district and election of the board of directors, municipal consent to the creation of the district, the district's public purpose and benefit, and initial district territory; the number of members and terms of the board of directors of the district, including provisions for temporary directors; the powers and duties of the district, including the power to dispose of waste and control storm water and to develop recreational facilities, required compliance with municipal ordinances and resolutions, and the limited use of eminent domain.

H.B. 4758 sets forth general financial provisions authorizing the district, subject to the approval of district voters with limited exception, to issue bonds and other obligations, impose a property tax for operations and maintenance, and impose contract taxes. The bill requires the board, on bonds payable wholly or partly from property taxes, to provide for the annual imposition of a continuing direct property tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required. The bill authorizes the district to develop recreational facilities and issue bonds for the facilities and specifies that such authority does not limit the authority of any other political subdivision whose territory may overlap with district territory from having the same authority. The bill sets forth in detail the initial boundaries of the district. The bill defines the terms "board," "director," and "district."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.