

By: Zerwas

H.B. No. 4023

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 1; 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 XXXX to read as follows:

CHAPTER XXXX. CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. XXXX.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Cinco Southwest Municipal Utility District No. 1.

Sec. XXXX.002. NATURE OF DISTRICT. (a) The district is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district, to the extent authorized by Section XXXX.052 and Section 52, Article III, Texas Constitution, has road powers.

Sec. XXXX.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All land and other property in the district will benefit from the improvements and services to be provided by the district.

1 [Sections XXXX.004-XXXX.050 reserved for expansion]

2 SUBCHAPTER B. POWERS AND DUTIES

3 Sec. XXXX.051. MUNICIPAL UTILITY DISTRICT POWERS AND  
4 DUTIES. (a) The district has the powers and duties necessary to  
5 accomplish the purposes for which the district is created. This  
6 chapter does not limit the district's powers existing before the  
7 effective date of the Act enacting this chapter.

8 (b) The district has the powers and duties provided by the  
9 general law of this state, including Chapters 49 and 54, Water Code,  
10 applicable to municipal utility districts created under Section 59,  
11 Article XVI, Texas Constitution.

12 Sec. XXXX.052. ROAD PROJECTS. (a) Under Section 52,  
13 Article III, Texas Constitution, the district may finance,  
14 construct, or acquire a road project as provided by this section.

15 (b) The district shall employ or contract with a licensed  
16 engineer to certify whether a proposed road project meets the  
17 criteria for a thoroughfare, arterial, or collector road of:

18 (1) a county in whose jurisdiction the proposed road  
19 project is located; or

20 (2) a municipality in whose corporate limits or  
21 extraterritorial jurisdiction the proposed road project is  
22 located.

23 (c) The district may finance, construct, or acquire a  
24 thoroughfare, arterial, or collector road that has been certified  
25 by the licensed engineer, or any improvements in aid of the road.

26 (d) A road project must meet all applicable standards,  
27 regulations, ordinances, or orders of:

1           (1) each municipality in whose corporate limits or  
2 extraterritorial jurisdiction the road project is located; and

3           (2) each county in which the road project is located if  
4 the road project is not located in the corporate limits of a  
5 municipality.

6           (e) The district may, with the consent of the municipality  
7 or county, convey a completed road project to:

8           (1) a municipality in whose corporate limits or  
9 extraterritorial jurisdiction the road project is located; or

10           (2) a county in which the road project is located.

11           [Sections XXXX.053-XXXX.100 reserved for expansion]

12                                   SUBCHAPTER C. BONDS

13           Sec. XXXX.101. AUTHORITY TO ISSUE BONDS AND OTHER  
14 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or  
15 other obligations payable wholly or partly from ad valorem taxes,  
16 impact fees, revenue, grants, or other district money, or any  
17 combination of those sources, to pay for road projects.

18           (b) The district may not issue bonds payable from ad valorem  
19 taxes to finance a road project unless the issuance is approved by a  
20 vote of a two-thirds majority of the voters of the district voting  
21 at an election called for that purpose.

22           (c) The total principal amount of bonds, notes, or other  
23 obligations issued or incurred to finance road projects may not  
24 exceed one-fourth of the assessed value of the real property in the  
25 district according to the most recent certified appraisal roll for  
26 Fort Bend County.

27           SECTION 2. (a) The legal notice of the intention to

1 introduce this Act, setting forth the general substance of this  
2 Act, has been published as provided by law, and the notice and a  
3 copy of this Act have been furnished to all persons, agencies,  
4 officials, or entities to which they are required to be furnished  
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6 Government Code.

7 (b) The governor, one of the required recipients, has  
8 submitted the notice and Act to the Texas Commission on  
9 Environmental Quality.

10 (c) The Texas Commission on Environmental Quality has filed  
11 its recommendations relating to this Act with the governor, the  
12 lieutenant governor, and the speaker of the house of  
13 representatives within the required time.

14 (d) All requirements of the constitution and laws of this  
15 state and the rules and procedures of the legislature with respect  
16 to the notice, introduction, and passage of this Act are fulfilled  
17 and accomplished.

18 SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2007.