

1-1 By: Rose (Senate Sponsor - Wentworth) H.B. No. 4041
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 10, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the powers and duties of the Sunfield Municipal Utility
1-9 District No. 3 regarding elections and road projects; providing
1-10 authority to impose a tax and issue bonds.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8201 to read as follows:

1-14 CHAPTER 8201. SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 3

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8201.001. DEFINITION. In this chapter, "district"
1-17 means the Sunfield Municipal Utility District No. 3.

1-18 Sec. 8201.002. ELECTION DATE. Section 41.001(a), Election
1-19 Code, does not apply to an election:

- 1-20 (1) to confirm the district's creation;
1-21 (2) to elect initial directors; or
1-22 (3) to approve a maintenance tax, a bond, or a
1-23 contract.

1-24 [Sections 8201.003-8201.050 reserved for expansion]

1-25 SUBCHAPTER B. POWERS AND DUTIES

1-26 Sec. 8201.051. ROAD PROJECTS. (a) To the extent authorized
1-27 by Section 52, Article III, Texas Constitution, the district may
1-28 construct, acquire, improve, maintain, or operate macadamized,
1-29 graveled, or paved roads or turnpikes, or improvements in aid of
1-30 those roads or turnpikes, inside or outside the district.

1-31 (b) A road project must meet all applicable construction
1-32 standards, zoning and subdivision requirements, and regulations
1-33 of:

- 1-34 (1) each municipality in whose corporate limits or
1-35 extraterritorial jurisdiction the district is located; and
1-36 (2) each county in which the district is located.

1-37 Sec. 8201.052. CONVEYANCE OF ROAD TO MUNICIPALITY OR
1-38 COUNTY. On completion of a road or road facility authorized by this
1-39 section, the district, with the consent of a municipality or
1-40 county, may convey the road or road facility to the municipality or
1-41 county if the conveyance is free of all indebtedness of the
1-42 district. If the municipality or county becomes the owner of a road
1-43 or road facility, the municipality or county is responsible for all
1-44 future maintenance and upkeep and the district has no further
1-45 responsibility for the road or road facility or its maintenance or
1-46 upkeep, unless otherwise agreed to by the district and the
1-47 municipality or county.

1-48 Sec. 8201.053. REIMBURSEMENT FOR ROAD PROJECT. (a) The
1-49 district may:

1-50 (1) reimburse a private person for money spent to
1-51 construct a road or road facility that is dedicated or otherwise
1-52 transferred to public use; or

1-53 (2) purchase a road or road facility constructed by a
1-54 private person.

1-55 (b) The amount paid for the reimbursement or for the
1-56 purchase of a road or road facility under Subsection (a) may:

1-57 (1) include all construction costs, including
1-58 engineering, legal, financing, and other expenses incident to the
1-59 construction; or

1-60 (2) be at a price not to exceed the replacement cost of
1-61 the road or road facility as determined by the board.

1-62 (c) The reimbursement or purchase of a road or road facility
1-63 may be paid for with proceeds from the sale of the district's bonds
1-64 or from any other money available to the district.

2-1 (d) The district may enter into an agreement to use the
2-2 proceeds of a subsequent bond sale to reimburse a private person
2-3 under this section. The agreement may provide the terms under which
2-4 the road or road facility is to be dedicated or transferred for the
2-5 benefit of the public.

2-6 [Sections 8201.054-8201.100 reserved for expansion]

2-7 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

2-8 Sec. 8201.101. TAX TO REPAY BONDS FOR ROAD PROJECTS. The
2-9 district may impose an ad valorem tax to pay the principal of or
2-10 interest on bonds issued under Section 8201.151.

2-11 [Sections 8201.102-8201.150 reserved for expansion]

2-12 SUBCHAPTER D. BONDS

2-13 Sec. 8201.151. AUTHORITY TO ISSUE BONDS AND OTHER
2-14 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
2-15 other obligations as provided by Chapters 49 and 54, Water Code, and
2-16 to finance the construction, maintenance, or operation of projects
2-17 under Section 8201.051.

2-18 (b) The district may not issue bonds or other obligations to
2-19 finance projects authorized by Section 8201.051 unless the issuance
2-20 is approved by a vote of a two-thirds majority of the voters of the
2-21 district voting at an election called for that purpose.

2-22 (c) Bonds or other obligations issued or incurred to finance
2-23 projects authorized by Section 8201.051 may not exceed one-fourth
2-24 of the assessed value of the real property in the district.

2-25 SECTION 2. (a) The legal notice of the intention to
2-26 introduce this Act, setting forth the general substance of this
2-27 Act, has been published as provided by law, and the notice and a
2-28 copy of this Act have been furnished to all persons, agencies,
2-29 officials, or entities to which they are required to be furnished
2-30 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-31 Government Code.

2-32 (b) The governor, one of the required recipients, has
2-33 submitted the notice and Act to the Texas Commission on
2-34 Environmental Quality.

2-35 (c) The Texas Commission on Environmental Quality has filed
2-36 its recommendations relating to this Act with the governor, the
2-37 lieutenant governor, and the speaker of the house of
2-38 representatives within the required time.

2-39 (d) All requirements of the constitution and laws of this
2-40 state and the rules and procedures of the legislature with respect
2-41 to the notice, introduction, and passage of this Act are fulfilled
2-42 and accomplished.

2-43 SECTION 3. This Act takes effect immediately if it receives
2-44 a vote of two-thirds of all the members elected to each house, as
2-45 provided by Section 39, Article III, Texas Constitution. If this
2-46 Act does not receive the vote necessary for immediate effect, this
2-47 Act takes effect September 1, 2007.

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