

By: Rose

H.B. No. 4042

Substitute the following for H.B. No. 4042:

By: Puente

C.S.H.B. No. 4042

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Sunfield Municipal Utility District No. 4 regarding elections and road projects; 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 8202 to read as follows:

CHAPTER 8202. SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8202.001. DEFINITION. In this chapter, "district" means the Sunfield Municipal Utility District No. 4.

Sec. 8202.002. ELECTION DATE. Section 41.001(a), Election Code, does not apply to an election:

(1) to confirm the district's creation;

(2) to elect initial directors; or

(3) to approve a maintenance tax, a bond, or a contract.

[Sections 8202.003-8202.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8202.051. ROAD PROJECTS. (a) To the extent authorized by Section 52, Article III, Texas Constitution, the district may construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads or turnpikes, or improvements in aid of those roads or turnpikes, inside or outside the district.

1       (b) A road project must meet all applicable construction  
2 standards, zoning and subdivision requirements, and regulations  
3 of:

4           (1) each municipality in whose corporate limits or  
5 extraterritorial jurisdiction the district is located; and

6           (2) each county in which the district is located.

7       Sec. 8202.052. CONVEYANCE OF ROAD TO MUNICIPALITY OR  
8 COUNTY. On completion of a road or road facility authorized by this  
9 section, the district, with the consent of a municipality or  
10 county, may convey the road or road facility to the municipality or  
11 county if the conveyance is free of all indebtedness of the  
12 district. If the municipality or county becomes the owner of a road  
13 or road facility, the municipality or county is responsible for all  
14 future maintenance and upkeep and the district has no further  
15 responsibility for the road or road facility or its maintenance or  
16 upkeep, unless otherwise agreed to by the district and the  
17 municipality or county.

18       Sec. 8202.053. REIMBURSEMENT FOR ROAD PROJECT. (a) The  
19 district may:

20           (1) reimburse a private person for money spent to  
21 construct a road or road facility that is dedicated or otherwise  
22 transferred to public use; or

23           (2) purchase a road or road facility constructed by a  
24 private person.

25       (b) The amount paid for the reimbursement or for the  
26 purchase of a road or road facility under Subsection (a) may:

27           (1) include all construction costs, including

1 engineering, legal, financing, and other expenses incident to the  
2 construction; or

3 (2) be at a price not to exceed the replacement cost of  
4 the road or road facility as determined by the board.

5 (c) The reimbursement or purchase of a road or road facility  
6 may be paid for with proceeds from the sale of the district's bonds  
7 or from any other money available to the district.

8 (d) The district may enter into an agreement to use the  
9 proceeds of a subsequent bond sale to reimburse a private person  
10 under this section. The agreement may provide the terms under which  
11 the road or road facility is to be dedicated or transferred for the  
12 benefit of the public.

13 [Sections 8202.054-8202.100 reserved for expansion]

14 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

15 Sec. 8202.101. TAX TO REPAY BONDS FOR ROAD PROJECTS. The  
16 district may impose an ad valorem tax to pay the principal of or  
17 interest on bonds issued under Section 8202.151.

18 [Sections 8202.102-8202.150 reserved for expansion]

19 SUBCHAPTER D. BONDS

20 Sec. 8202.151. AUTHORITY TO ISSUE BONDS AND OTHER  
21 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or  
22 other obligations as provided by Chapters 49 and 54, Water Code, and  
23 to finance the construction, maintenance, or operation of projects  
24 under Section 8202.051.

25 (b) The district may not issue bonds or other obligations to  
26 finance projects authorized by Section 8202.051 unless the issuance  
27 is approved by a vote of a two-thirds majority of the voters of the

1 district voting at an election called for that purpose.

2 (c) Bonds or other obligations issued or incurred to finance  
3 projects authorized by Section 8202.051 may not exceed one-fourth  
4 of the assessed value of the real property in the district.

5 SECTION 2. (a) The legal notice of the intention to  
6 introduce this Act, setting forth the general substance of this  
7 Act, has been published as provided by law, and the notice and a  
8 copy of this Act have been furnished to all persons, agencies,  
9 officials, or entities to which they are required to be furnished  
10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
11 Government Code.

12 (b) The governor, one of the required recipients, has  
13 submitted the notice and Act to the Texas Commission on  
14 Environmental Quality.

15 (c) The Texas Commission on Environmental Quality has filed  
16 its recommendations relating to this Act with the governor, the  
17 lieutenant governor, and the speaker of the house of  
18 representatives within the required time.

19 (d) All requirements of the constitution and laws of this  
20 state and the rules and procedures of the legislature with respect  
21 to the notice, introduction, and passage of this Act are fulfilled  
22 and accomplished.

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