By: Wentworth

S.B. No. 1408

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the powers and duties of the Sunfield Municipal Utility

3 District No. 3 regarding elections and road projects; providing

4 authority to impose a tax and issue bonds.

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

6   SECTION 1.   Subtitle F, Title 6, Special District Local Laws

7 Code, is amended by adding Chapter 8201 to read as follows:

8   CHAPTER 8201.   SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 3

9   SUBCHAPTER A.   GENERAL PROVISIONS

10   Sec. 8201.001.   DEFINITION.   In   this   chapter,   "district"

11 means the Sunfield Municipal Utility District No. 3.

12   Sec. 8201.002.   ELECTION DATE.   Section 41.001(a), Election

13 Code, does not apply to an election:

14   (1)   to confirm the district's creation;

15   (2)   to elect initial directors; or

16   (3)   to   approve   a   maintenance   tax,   a   bond,   or   a

17 contract.

18   [Sections 8201.003-8201.050 reserved for expansion]

19   SUBCHAPTER B.   POWERS AND DUTIES

20   Sec. 8201.051.   ROAD   PROJECTS.   (a)   To   the   extent

21 authorized   by   Section   52,   Article   III,   Texas   Constitution,   the

22 district   may   construct,   acquire,   improve,   maintain,   or   operate

23 macadamized,   graveled,   or   paved   roads   or   turnpikes,   or   improvements

24 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. 8201.052. 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. 8201.053. 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 of the

5 district.

6   (c) The reimbursement or purchase of a road or road facility

7 may be paid for with proceeds from the sale of the district's bonds

8 or from any other money available to the district.

9   (d) The district may enter into an agreement to use the

10 proceeds of a subsequent bond sale to reimburse a private person

11 under this section. The agreement may provide the terms under which

12 the road or road facility is to be dedicated or transferred for the

13 benefit of the public.

14   [Sections 8201.054-8201.100 reserved for expansion]

15   SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

16   Sec. 8201.101. TAX TO REPAY BONDS FOR ROAD PROJECTS. The

17 district may impose an ad valorem tax to pay the principal of or

18 interest on bonds issued under Section 8201.151.

19   [Sections 8201.102-8201.150 reserved for expansion]

20   SUBCHAPTER D. BONDS

21   Sec. 8201.151. AUTHORITY TO ISSUE BONDS AND OTHER

22 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds

23 or other obligations as provided by Chapters 49 and 54, Water Code,

24 and to finance the construction, maintenance, or operation of

25 projects under Section 8201.051.

26   (b) The district may not issue bonds or other obligations to

27 finance projects authorized by Section 8201.051 unless the issuance

1 is approved by a vote of a two-thirds majority of the voters of the

2 district voting at an election called for that purpose.

3   (c) Bonds or other obligations issued or incurred to finance

4 projects authorized by Section 8201.051 may not exceed one-fourth

5 of the assessed value of the real property in the district.

6   (d) Sections 49.181 and 49.182, Water Code, do not apply to

7 a project undertaken by the district under Section 8201.051 or to

8 bonds issued by the district to finance the project.

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

10 introduce this Act, setting forth the general substance of this

11 Act, has been published as provided by law, and the notice and a

12 copy of this Act have been furnished to all persons, agencies,

13 officials, or entities to which they are required to be furnished

14 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

15 Government Code.

16   (b) The governor, one of the required recipients, has

17 submitted the notice and Act to the Texas Commission on

18 Environmental Quality.

19   (c) The Texas Commission on Environmental Quality has filed

20 its recommendations relating to this Act with the governor, the

21 lieutenant governor, and the speaker of the house of

22 representatives within the required time.

23   (d) All requirements of the constitution and laws of this

24 state and the rules and procedures of the legislature with respect

25 to the notice, introduction, and passage of this Act are fulfilled

26 and accomplished.

27   SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as

2 provided by Section 39, Article III, Texas Constitution. If this

3 Act does not receive the vote necessary for immediate effect, this

4 Act takes effect September 1, 2007.