

By: Fraser

S.B. No. 1535

Substitute the following for S.B. No. 1535:

By: Puente

C.S.S.B. No. 1535

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of bonds by a municipality for a defined area in an abolished municipal utility district; authorizing a tax.

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

SECTION 1. Subtitle A, Title 4, Local Government Code, is amended by adding Chapter 108 to read as follows:

CHAPTER 108. MUNICIPAL BONDS FOR CERTAIN DEFINED AREAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 108.001. DEFINITION. In this chapter, "defined area" means a defined area created by a municipal utility district under Subchapter J, Chapter 54, Water Code.

Sec. 108.002. APPLICATION OF CHAPTER. This chapter applies only to a municipality that under Section 43.075 or any other law abolishes a municipal utility district created under Section 59, Article XVI, Texas Constitution, that contains a defined area.

Sec. 108.003. CONFLICT WITH OTHER LAWS. To the extent of a conflict between this chapter and any other law, including Subchapter A, Chapter 372, this chapter controls.

[Sections 108.004-108.050 reserved for expansion]

SUBCHAPTER B. BONDS USED TO CARRY OUT PURPOSES OF DEFINED AREA IN ABOLISHED MUNICIPAL UTILITY DISTRICT

Sec. 108.051. BONDS ORIGINALLY AUTHORIZED IN ABOLISHED MUNICIPAL UTILITY DISTRICT; PROPERTY TAXES. (a) If, before its abolition, a municipal utility district voted to issue bonds

1 secured by property taxes for a defined area under Section 54.806,  
2 Water Code, and if some or all of the bonds were not issued, sold,  
3 and delivered before the abolition, the governing body of the  
4 municipality that abolished the district may issue and sell  
5 municipal bonds:

6 (1) in an amount not to exceed the amount of the  
7 unissued district bonds approved by the voters; and

8 (2) for the purpose of carrying out the purposes for  
9 which the district bonds were voted.

10 (b) The bonds are issued under the authority under which  
11 they were voted, particularly Section 59, Article XVI, Texas  
12 Constitution. The bonds must be secured by a tax under the  
13 authority under which they were voted, particularly a tax on the  
14 property in the defined area of the abolished district.

15 (c) The bonds must be authorized by ordinance of the  
16 governing body of the municipality. The ordinance must provide for  
17 the levy of taxes on all taxable property in the defined area of the  
18 abolished district to pay the principal of and interest on the bonds  
19 when due.

20 Sec. 108.052. BONDS AUTHORIZED UNDER PUBLIC IMPROVEMENT  
21 DISTRICT; ASSESSMENTS. (a) If, before its abolition, a municipal  
22 utility district voted to issue bonds secured by property taxes for  
23 a defined area under Section 54.806, Water Code, and if some or all  
24 of the bonds were not issued, sold, and delivered before the  
25 abolition, the governing body of the municipality that abolished  
26 the district may, on its own motion, establish a public improvement  
27 district under Subchapter A, Chapter 372, for the purpose of

1 issuing and selling municipal bonds:

2 (1) in an amount not to exceed the amount of the  
3 unissued district bonds approved by the voters; and

4 (2) for the purpose of carrying out the purposes for  
5 which the district bonds were voted, including the cost of  
6 facilities constructed after creation of the defined area in  
7 accordance with the plan for improvements adopted by the board of  
8 directors of the abolished district.

9 (b) A municipality that establishes a public improvement  
10 district under this section may:

11 (1) enter into agreements with developers of property  
12 in the public improvement district for the construction,  
13 acquisition, expansion, improvement, or extension of improvements  
14 in the public improvement district;

15 (2) reimburse a developer for the costs of the  
16 improvements through assessments payable in installments on  
17 property in the public improvement district;

18 (3) pledge any type of assessment, including  
19 installment assessments, levied against property in the public  
20 improvement district as security for bonds and agreements; and

21 (4) structure the assessments in any manner determined  
22 by the governing body of the municipality.

23 (c) In structuring an assessment under this section, the  
24 municipality may include in the assessment:

25 (1) a coverage factor;

26 (2) any prepayment dates;

27 (3) terms or amounts; and

1           (4) any other methodology or amounts determined  
2 necessary or convenient by the governing body of the municipality.

3           (d) Any bonds issued by the municipality under this section  
4 must be authorized by ordinance of the governing body of the  
5 municipality and shall provide for the collection of the  
6 assessments as authorized by Subchapter A, Chapter 372, and this  
7 chapter.

8           (e) The bonds may be payable in installments, as determined  
9 by the governing body of the municipality, against the property in  
10 the defined area.

11           (f) The municipality may use the bonds to:

12                 (1) pay or reimburse a developer for public  
13 improvements in the public improvement district under a development  
14 or other agreement with the developer;

15                 (2) pay the principal of and interest on the bonds when  
16 due; or

17                 (3) pay any combination of purposes described by  
18 Subdivisions (1) and (2).

19           Sec. 108.053. PLEDGES TO SECURE BONDS. The municipality  
20 may further pledge any available funds to secure the bonds,  
21 including taxes or other revenue.

22           Sec. 108.054. CHOICE OF LAWS. (a) A municipality may  
23 exercise powers under Section 108.051 or 108.052, but may not  
24 exercise powers under both sections for the same defined area.

25           (b) A municipality that exercises powers under Section  
26 108.051 or 108.052 to reimburse a developer's infrastructure costs  
27 in a defined area shall not be required to provide payment to the

1 developer under Section 43.0715, Local Government Code.

2 Sec. 108.055. CONFLICT WITH MUNICIPAL CHARTER. This  
3 subchapter prevails over a municipal charter provision to the  
4 extent of a conflict with this subchapter.

5 Sec. 108.056. EFFECT ON OTHER MUNICIPAL BONDS. This  
6 subchapter does not affect the authority of a municipality to issue  
7 bonds for other purposes.

8 SECTION 2. Chapter 108, Local Government Code, as added by  
9 this Act, applies to a municipal utility district abolished, or a  
10 district vote to issue bonds that occurred, before, on, or after the  
11 effective date of this Act.

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