

1-1 By: Hegar S.B. No. 1987
1-2 (In the Senate - Filed March 30, 2007; April 3, 2007, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 24, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 April 24, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1987 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the powers and duties of the Cinco Southwest Municipal
1-11 Utility District No. 2; providing authority to impose a tax and
1-12 issue bonds.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8225 to read as follows:

1-16 CHAPTER 8225. CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8225.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the
1-20 district.

1-21 (2) "Director" means a board member.

1-22 (3) "District" means the Cinco Southwest Municipal
1-23 Utility District No. 2.

1-24 Sec. 8225.002. NATURE OF DISTRICT. (a) The district is a
1-25 municipal utility district in Fort Bend County created under and
1-26 essential to accomplish the purposes of Section 59, Article XVI,
1-27 Texas Constitution.

1-28 (b) The district, to the extent authorized by Section
1-29 8225.052 and Section 52, Article III, Texas Constitution, has road
1-30 powers.

1-31 Sec. 8225.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All
1-32 land and other property in the district will benefit from the
1-33 improvements and services to be provided by the district.

1-34 [Sections 8225.004-8225.050 reserved for expansion]

1-35 SUBCHAPTER B. POWERS AND DUTIES

1-36 Sec. 8225.051. MUNICIPAL UTILITY DISTRICT POWERS AND
1-37 DUTIES. (a) The district has the powers and duties provided by the
1-38 general law of this state, including Chapters 49 and 54, Water Code,
1-39 applicable to municipal utility districts created under Section 59,
1-40 Article XVI, Texas Constitution.

1-41 (b) The district has the powers and duties necessary to
1-42 accomplish the purposes for which the district is created.

1-43 Sec. 8225.052. ROAD PROJECTS. (a) Under Section 52,
1-44 Article III, Texas Constitution, the district may finance,
1-45 construct, or acquire a road project as provided by this section.

1-46 (b) The district shall employ or contract with a licensed
1-47 engineer to certify whether a proposed road project meets the
1-48 criteria for a thoroughfare, arterial, or collector road of:

1-49 (1) a county in whose jurisdiction the proposed road
1-50 project is located; or

1-51 (2) a municipality in whose corporate limits or
1-52 extraterritorial jurisdiction the proposed road project is
1-53 located.

1-54 (c) The district may finance, construct, or acquire a road
1-55 that has been certified by the licensed engineer as a thoroughfare,
1-56 arterial, or collector road, or any improvements in aid of the road.

1-57 (d) A road project must meet all applicable standards,
1-58 regulations, ordinances, or orders of:

1-59 (1) each municipality in whose corporate limits or
1-60 extraterritorial jurisdiction the road project is located; and

1-61 (2) each county in which the road project is located if
1-62 the road project is not located in the corporate limits of a
1-63 municipality.

2-1 (e) The district may, with the consent of the municipality
2-2 or county, convey a completed road project to:

2-3 (1) a municipality in whose corporate limits or
2-4 extraterritorial jurisdiction the road project is located; or

2-5 (2) a county in which the road project is located.

2-6 [Sections 8225.053-8225.100 reserved for expansion]

2-7 SUBCHAPTER C. BONDS

2-8 Sec. 8225.101. AUTHORITY TO ISSUE BONDS AND OTHER
2-9 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds
2-10 or other obligations payable wholly or partly from ad valorem
2-11 taxes, impact fees, revenue, grants, or other district money, or
2-12 any combination of those sources, to pay for road projects as
2-13 provided by Section 8225.052.

2-14 (b) The district may not issue bonds payable from ad valorem
2-15 taxes to finance a road project unless the issuance is approved by a
2-16 vote of a two-thirds majority of district voters voting at an
2-17 election held for that purpose.

2-18 (c) The total principal amount of bonds, notes, or other
2-19 obligations issued or incurred to finance the road projects may not
2-20 exceed one-fourth of the assessed value of the real property in the
2-21 district according to the most recent certified appraisal roll for
2-22 Fort Bend County.

2-23 SECTION 2. The Cinco Southwest Municipal Utility District
2-24 No. 2 retains all the rights, powers, privileges, authority,
2-25 duties, and functions that it had before the effective date of this
2-26 Act.

2-27 SECTION 3. (a) The legal notice of the intention to
2-28 introduce this Act, setting forth the general substance of this
2-29 Act, has been published as provided by law, and the notice and a
2-30 copy of this Act have been furnished to all persons, agencies,
2-31 officials, or entities to which they are required to be furnished
2-32 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-33 Government Code.

2-34 (b) The governor, one of the required recipients, has
2-35 submitted the notice and Act to the Texas Commission on
2-36 Environmental Quality.

2-37 (c) The Texas Commission on Environmental Quality has filed
2-38 its recommendations relating to this Act with the governor, the
2-39 lieutenant governor, and the speaker of the house of
2-40 representatives within the required time.

2-41 (d) All requirements of the constitution and laws of this
2-42 state and the rules and procedures of the legislature with respect
2-43 to the notice, introduction, and passage of this Act are fulfilled
2-44 and accomplished.

2-45 SECTION 4. This Act takes effect immediately if it receives
2-46 a vote of two-thirds of all the members elected to each house, as
2-47 provided by Section 39, Article III, Texas Constitution. If this
2-48 Act does not receive the vote necessary for immediate effect, this
2-49 Act takes effect September 1, 2007.

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