

By: Hegar

S.B. No. 1988

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 3; 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 8226 to read as follows:

CHAPTER 8226. CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8226.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Cinco Southwest Municipal Utility District No. 3.

Sec. 8226.002. NATURE OF DISTRICT. (a) The district is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district, to the extent authorized by Section 8226.052 and Section 52, Article III, Texas Constitution, has road powers.

Sec. 8226.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All land and other property in the district will benefit from the

1 improvements and services to be provided by the district.

2 [Sections 8226.004-8226.050 reserved for expansion]

3 SUBCHAPTER B. POWERS AND DUTIES

4 Sec. 8226.051. MUNICIPAL UTILITY DISTRICT POWERS AND
5 DUTIES. (a) The district has the powers and duties provided by the
6 general law of this state, including Chapters 49 and 54, Water Code,
7 applicable to municipal utility districts created under Section 59,
8 Article XVI, Texas Constitution.

9 (b) The district has the powers and duties necessary to
10 accomplish the purposes for which the district is created.

11 Sec. 8226.052. ROAD PROJECTS. (a) Under Section 52,
12 Article III, Texas Constitution, the district may finance,
13 construct, or acquire a road project as provided by this section.

14 (b) The district shall employ or contract with a licensed
15 engineer to certify whether a proposed road project meets the
16 criteria for a thoroughfare, arterial, or collector road of:

17 (1) a county in whose jurisdiction the proposed road
18 project is located; or

19 (2) a municipality in whose corporate limits or
20 extraterritorial jurisdiction the proposed road project is
21 located.

22 (c) The district may finance, construct, or acquire a road
23 that has been certified by the licensed engineer as a thoroughfare,
24 arterial, or collector road, or any improvements in aid of the road.

25 (d) A road project must meet all applicable standards,
26 regulations, ordinances, or orders of:

27 (1) each municipality in whose corporate limits or

1 extraterritorial jurisdiction the road project is located; and

2 (2) each county in which the road project is located if
3 the road project is not located in the corporate limits of a
4 municipality.

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

7 (1) a municipality in whose corporate limits or
8 extraterritorial jurisdiction the road project is located; or

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

10 [Sections 8226.053-8226.100 reserved for expansion]

11 SUBCHAPTER C. BONDS

12 Sec. 8226.101. AUTHORITY TO ISSUE BONDS AND OTHER
13 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
14 other obligations payable wholly or partly from ad valorem taxes,
15 impact fees, revenue, grants, or other district money, or any
16 combination of those sources, to pay for road projects.

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

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

26 SECTION 2. The Cinco Southwest Municipal Utility District
27 No. 3 retains all the rights, powers, privileges, authority,

1 duties, and functions that it had before the effective date of this
2 Act.

3 SECTION 3. (a) The legal notice of the intention to
4 introduce this Act, setting forth the general substance of this
5 Act, has been published as provided by law, and the notice and a
6 copy of this Act have been furnished to all persons, agencies,
7 officials, or entities to which they are required to be furnished
8 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9 Government Code.

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

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

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

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