

By: Parker

H.B. No. 1089

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Denton County Municipal Utility District No. 4 and the Denton County Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 Chapters 8308 and 8309 to read as follows:

CHAPTER 8308. DENTON COUNTY MUNICIPAL

UTILITY DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8308.001. DEFINITION. In this chapter, "district" means the Denton County Municipal Utility District No. 4.

[Sections 8308.002-8308.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8308.051. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8308.052. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate,

1 maintain and convey to this state, a county, or a municipality for  
2 operation and maintenance macadamized, graveled, or paved roads, or  
3 improvements, including storm drainage, in aid of those roads.

4 Sec. 8308.053. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
5 project must meet all applicable construction standards, zoning and  
6 subdivision requirements, and regulations of each municipality in  
7 whose corporate limits or extraterritorial jurisdiction the road  
8 project is located.

9 (b) If a road project is not located in the corporate limits  
10 or extraterritorial jurisdiction of a municipality, the road  
11 project must meet all applicable construction standards,  
12 subdivision requirements, and regulations of each county in which  
13 the road project is located.

14 (c) If the state will maintain and operate the road, the  
15 Texas Transportation Commission must approve the plans and  
16 specifications of the road project.

17 Sec. 8308.054. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
18 OR RESOLUTION. The district shall comply with all applicable  
19 requirements of an ordinance or resolution that is adopted under  
20 Section 54.016 or 54.0165, Water Code, and that consents to the  
21 creation of the district or to the inclusion of land in the  
22 district.

23 Sec. 8308.055. LIMITATION ON USE OF EMINENT DOMAIN. The  
24 district may not exercise the power of eminent domain outside the  
25 district to acquire a site or easement for:

- 26 (1) a road project authorized by Section 8308.052; or  
27 (2) a recreational facility as defined by Section

1 49.462, Water Code.

2 [Sections 8308.056-8308.100 reserved for expansion]

3 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

4 Sec. 8308.101. TAX TO REPAY BONDS. The district may impose  
5 a tax to pay the principal of or interest on bonds issued under  
6 Section 8308.151.

7 [Sections 8308.102-8308.150 reserved for expansion]

8 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

9 Sec. 8308.151. AUTHORITY TO ISSUE BONDS AND OTHER  
10 OBLIGATIONS. The district may issue bonds or other obligations  
11 payable wholly or partly from ad valorem taxes, impact fees,  
12 revenue, contract payments, grants, or other district money, or any  
13 combination of those sources, to pay for any authorized district  
14 purpose.

15 Sec. 8308.152. TAXES FOR BONDS. At the time the district  
16 issues bonds payable wholly or partly from ad valorem taxes, the  
17 district shall provide for the annual imposition of a continuing  
18 direct ad valorem tax, without limit as to rate or amount, while all  
19 or part of the bonds are outstanding as required and in the manner  
20 provided by Sections 54.601 and 54.602, Water Code.

21 Sec. 8308.153. BONDS FOR ROAD PROJECTS. (a) The district  
22 may not issue bonds payable from ad valorem taxes to finance a road  
23 project unless the issuance is approved by a vote of a two-thirds  
24 majority of the district voters voting at an election held for that  
25 purpose.

26 (b) At the time of issuance, the total principal amount of  
27 bonds or other obligations issued or incurred to finance road

1 projects and payable from ad valorem taxes may not exceed  
2 one-fourth of the assessed value of the real property in the  
3 district.

4 CHAPTER 8309. DENTON COUNTY MUNICIPAL

5 UTILITY DISTRICT NO. 5

6 SUBCHAPTER A. GENERAL PROVISIONS

7 Sec. 8309.001. DEFINITION. In this chapter, "district"  
8 means the Denton County Municipal Utility District No. 5.

9 [Sections 8309.002-8309.050 reserved for expansion]

10 SUBCHAPTER B. POWERS AND DUTIES

11 Sec. 8309.051. MUNICIPAL UTILITY DISTRICT POWERS AND  
12 DUTIES. The district has the powers and duties provided by the  
13 general law of this state, including Chapters 49 and 54, Water Code,  
14 applicable to municipal utility districts created under Section 59,  
15 Article XVI, Texas Constitution.

16 Sec. 8309.052. AUTHORITY FOR ROAD PROJECTS. Under Section  
17 52, Article III, Texas Constitution, the district may design,  
18 acquire, construct, finance, issue bonds for, improve, operate,  
19 maintain and convey to this state, a county, or a municipality for  
20 operation and maintenance macadamized, graveled, or paved roads, or  
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 8309.053. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
23 project must meet all applicable construction standards, zoning and  
24 subdivision requirements, and regulations of each municipality in  
25 whose corporate limits or extraterritorial jurisdiction the road  
26 project is located.

27 (b) If a road project is not located in the corporate limits

1 or extraterritorial jurisdiction of a municipality, the road  
2 project must meet all applicable construction standards,  
3 subdivision requirements, and regulations of each county in which  
4 the road project is located.

5 (c) If the state will maintain and operate the road, the  
6 Texas Transportation Commission must approve the plans and  
7 specifications of the road project.

8 Sec. 8309.054. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
9 OR RESOLUTION. The district shall comply with all applicable  
10 requirements of an ordinance or resolution that is adopted under  
11 Section 54.016 or 54.0165, Water Code, and that consents to the  
12 creation of the district or to the inclusion of land in the  
13 district.

14 Sec. 8309.055. LIMITATION ON USE OF EMINENT DOMAIN. The  
15 district may not exercise the power of eminent domain outside the  
16 district to acquire a site or easement for:

- 17 (1) a road project authorized by Section 8309.052; or  
18 (2) a recreational facility as defined by Section  
19 49.462, Water Code.

20 [Sections 8309.056-8309.100 reserved for expansion]

21 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

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4 combination of those sources, to pay for any authorized district  
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15 majority of the district voters voting at an election held for that  
16 purpose.

17 (b) At the time of issuance, the total principal amount of  
18 bonds or other obligations issued or incurred to finance road  
19 projects and payable from ad valorem taxes may not exceed  
20 one-fourth of the assessed value of the real property in the  
21 district.

22 SECTION 2. (a) The legal notice of the intention to  
23 introduce this Act, setting forth the general substance of this  
24 Act, has been published as provided by law, and the notice and a  
25 copy of this Act have been furnished to all persons, agencies,  
26 officials, or entities to which they are required to be furnished  
27 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

1 Government Code.

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

5 (c) The Texas Commission on Environmental Quality has filed  
6 its recommendations relating to this Act with the governor, the  
7 lieutenant governor, and the speaker of the house of  
8 representatives within the required time.

9 (d) All requirements of the constitution and laws of this  
10 state and the rules and procedures of the legislature with respect  
11 to the notice, introduction, and passage of this Act are fulfilled  
12 and accomplished.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2009.