

By: Weber

H.B. No. 2022

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Sedona Lakes Municipal Utility District No. 1 of Brazoria County; 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 Chapter 8305 to read as follows:

CHAPTER 8305. SEDONA LAKES MUNICIPAL UTILITY DISTRICT NO. 1 OF  
BRAZORIA COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8305.001. DEFINITION. In this chapter, "district" means the Sedona Lakes Municipal Utility District No. 1 of Brazoria County.

[Sections 8305.002-8305.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8305.051. 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. 8305.052. 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. 8305.053. 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. 8305.054. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
18 OR RESOLUTION. The district shall comply with all applicable  
19 requirements of any ordinance or resolution that is adopted under  
20 Section 54.016 or 54.0165, Water Code, including any ordinance or  
21 resolution adopted before September 1, 2009, and that consents to  
22 the creation of the district or to the inclusion of land in the  
23 district.

24 Sec. 8305.055. LIMITATION ON USE OF EMINENT DOMAIN. The  
25 district may not exercise the power of eminent domain outside the  
26 district to acquire a site or easement for:

27 (1) a road project authorized by Section 8305.052; or

1           (2) a recreational facility as defined by Section  
2 49.462, Water Code.

3           [Sections 8305.056-8305.100 reserved for expansion]

4           SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

5           Sec. 8305.101. TAX TO REPAY BONDS. The district may impose  
6 a tax to pay the principal of or interest on bonds or other  
7 obligations issued under Section 8305.151.

8           [Sections 8305.102-8305.150 reserved for expansion]

9           SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

10          Sec. 8305.151. AUTHORITY TO ISSUE BONDS AND OTHER  
11 OBLIGATIONS. The district may issue bonds or other obligations  
12 payable wholly or partly from ad valorem taxes, impact fees,  
13 revenue, contract payments, grants, or other district money, or any  
14 combination of those sources, to pay for any authorized district  
15 purpose.

16          Sec. 8305.152. TAXES FOR BONDS. At the time the district  
17 issues bonds payable wholly or partly from ad valorem taxes, the  
18 board shall provide for the annual imposition of a continuing  
19 direct ad valorem tax, without limit as to rate or amount, while all  
20 or part of the bonds are outstanding as required and in the manner  
21 provided by Sections 54.601 and 54.602, Water Code.

22          Sec. 8305.153. BONDS FOR ROAD PROJECTS. (a) The district  
23 may not issue bonds payable from ad valorem taxes to finance a road  
24 project unless the issuance is approved by a vote of a two-thirds  
25 majority of the district voters voting at an election held for that  
26 purpose.

27          (b) At the time of issuance, the total principal amount of

1 bonds or other obligations issued or incurred to finance road  
2 projects and payable from ad valorem taxes may not exceed  
3 one-fourth of the assessed value of the real property in the  
4 district.

5       SECTION 2. (a) The legal notice of the intention to  
6 introduce this Act, setting forth the general substance of this  
7 Act, has been published as provided by law, and the notice and a  
8 copy of this Act have been furnished to all persons, agencies,  
9 officials, or entities to which they are required to be furnished  
10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
11 Government Code.

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

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

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

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