

1-1 By: Weber (Senate Sponsor - Hegar) H.B. No. 2022
1-2 (In the Senate - Received from the House May 6, 2009;
1-3 May 7, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2009, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the powers and duties of the Sedona Lakes Municipal
1-9 Utility District No. 1 of Brazoria County; providing authority to
1-10 impose a tax and issue bonds; granting a limited power of eminent
1-11 domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8305 to read as follows:

1-15 CHAPTER 8305. SEDONA LAKES MUNICIPAL UTILITY DISTRICT NO. 1 OF
1-16 BRAZORIA COUNTY

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8305.001. DEFINITION. In this chapter, "district"
1-19 means the Sedona Lakes Municipal Utility District No. 1 of Brazoria
1-20 County.

1-21 [Sections 8305.002-8305.050 reserved for expansion]

1-22 SUBCHAPTER B. POWERS AND DUTIES

1-23 Sec. 8305.051. MUNICIPAL UTILITY DISTRICT POWERS AND
1-24 DUTIES. The district has the powers and duties provided by the
1-25 general law of this state, including Chapters 49 and 54, Water Code,
1-26 applicable to municipal utility districts created under Section 59,
1-27 Article XVI, Texas Constitution.

1-28 Sec. 8305.052. AUTHORITY FOR ROAD PROJECTS. Under Section
1-29 52, Article III, Texas Constitution, the district may design,
1-30 acquire, construct, finance, issue bonds for, improve, operate,
1-31 maintain, and convey to this state, a county, or a municipality for
1-32 operation and maintenance macadamized, graveled, or paved roads, or
1-33 improvements, including storm drainage, in aid of those roads.

1-34 Sec. 8305.053. ROAD STANDARDS AND REQUIREMENTS. (a) A road
1-35 project must meet all applicable construction standards, zoning and
1-36 subdivision requirements, and regulations of each municipality in
1-37 whose corporate limits or extraterritorial jurisdiction the road
1-38 project is located.

1-39 (b) If a road project is not located in the corporate limits
1-40 or extraterritorial jurisdiction of a municipality, the road
1-41 project must meet all applicable construction standards,
1-42 subdivision requirements, and regulations of each county in which
1-43 the road project is located.

1-44 (c) If the state will maintain and operate the road, the
1-45 Texas Transportation Commission must approve the plans and
1-46 specifications of the road project.

1-47 Sec. 8305.054. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
1-48 OR RESOLUTION. The district shall comply with all applicable
1-49 requirements of any ordinance or resolution that is adopted under
1-50 Section 54.016 or 54.0165, Water Code, including any ordinance or
1-51 resolution adopted before September 1, 2009, and that consents to
1-52 the creation of the district or to the inclusion of land in the
1-53 district.

1-54 Sec. 8305.055. LIMITATION ON USE OF EMINENT DOMAIN. The
1-55 district may not exercise the power of eminent domain outside the
1-56 district to acquire a site or easement for:

1-57 (1) a road project authorized by Section 8305.052; or
1-58 (2) a recreational facility as defined by Section
1-59 49.462, Water Code.

1-60 [Sections 8305.056-8305.100 reserved for expansion]

1-61 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

1-62 Sec. 8305.101. TAX TO REPAY BONDS. The district may impose
1-63 a tax to pay the principal of or interest on bonds or other
1-64 obligations issued under Section 8305.151.

[Sections 8305.102-8305.150 reserved for expansion]

SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

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

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

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

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

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

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

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

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

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

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