

By: Taylor

H.B. No. 4723

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the powers and duties of the Bayview Municipal Utility  
3 District of Galveston County; providing authority to impose a tax  
4 and issue bonds.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 6901, Special District  
7 Local Laws Code, is amended by adding Section 6901.061 to read as  
8 follows:

9 Sec. 6901.061. DEFINED AREAS. (a) Notwithstanding the  
10 limitation on authorization based on acreage under Section  
11 54.801(a), Water Code, the district may establish and administer  
12 defined areas as provided by Subchapter J, Chapter 54, Water Code.

13 (b) Under Section 52, Article III, Texas Constitution, the  
14 district may construct, acquire, improve, maintain, or operate in a  
15 defined area established under this section:

16 (1) macadamized, graveled, or paved roads; or  
17 (2) improvements, including storm drainage, in aid of  
18 those roads.

19 (c) The district may issue bonds or other obligations as  
20 provided by Chapters 49 and 53, Water Code, to finance the  
21 construction, acquisition, improvement, maintenance, or operation  
22 of projects under Subsection (b).

23 (d) The district may impose an ad valorem tax on real  
24 property in a defined area to pay the principal of or interest on

1 bonds issued under Subsection (c) to finance projects benefiting  
2 the defined area.

3 (e) The district may not issue bonds or other obligations  
4 secured wholly or partly by ad valorem taxes to finance a project  
5 authorized by Subsection (b) unless the issuance is approved by a  
6 vote of a two-thirds majority of the voters of the defined area to  
7 be benefited by the project as provided by Subchapter J, Chapter 54,  
8 Water Code, voting at an election called for that purpose. The  
9 simple majority vote approval required by Section 54.808(a), Water  
10 Code, does not apply to an election under this subsection.

11 (f) At the time of issuance, the total principal amount of  
12 bonds or other obligations issued or incurred to finance projects  
13 authorized by Subsection (b) benefiting a defined area may not  
14 exceed one-fourth of the assessed value of the real property in the  
15 defined area.

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

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

26 (c) The Texas Commission on Environmental Quality has filed  
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of  
2 representatives within the required time.

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

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