

1-1 By: Taylor (Senate Sponsor - Hegar) H.B. No. 4723  
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 Bayview Municipal Utility  
1-9 District of Galveston County; providing authority to impose a tax  
1-10 and issue bonds.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter B, Chapter 6901, Special District  
1-13 Local Laws Code, is amended by adding Section 6901.061 to read as  
1-14 follows:

1-15 Sec. 6901.061. DEFINED AREAS. (a) Notwithstanding the  
1-16 limitation on authorization based on acreage under Section  
1-17 54.801(a), Water Code, the district may establish and administer  
1-18 defined areas as provided by Subchapter J, Chapter 54, Water Code.

1-19 (b) Under Section 52, Article III, Texas Constitution, the  
1-20 district may construct, acquire, improve, maintain, or operate in a  
1-21 defined area established under this section:

1-22 (1) macadamized, graveled, or paved roads; or

1-23 (2) improvements, including storm drainage, in aid of  
1-24 those roads.

1-25 (c) The district may issue bonds or other obligations as  
1-26 provided by Chapters 49 and 53, Water Code, to finance the  
1-27 construction, acquisition, improvement, maintenance, or operation  
1-28 of projects under Subsection (b).

1-29 (d) The district may impose an ad valorem tax on real  
1-30 property in a defined area to pay the principal of or interest on  
1-31 bonds issued under Subsection (c) to finance projects benefiting  
1-32 the defined area.

1-33 (e) The district may not issue bonds or other obligations  
1-34 secured wholly or partly by ad valorem taxes to finance a project  
1-35 authorized by Subsection (b) unless the issuance is approved by a  
1-36 vote of a two-thirds majority of the voters of the defined area to  
1-37 be benefited by the project as provided by Subchapter J, Chapter 54,  
1-38 Water Code, voting at an election called for that purpose. The  
1-39 simple majority vote approval required by Section 54.808(a), Water  
1-40 Code, does not apply to an election under this subsection.

1-41 (f) At the time of issuance, the total principal amount of  
1-42 bonds or other obligations issued or incurred to finance projects  
1-43 authorized by Subsection (b) benefiting a defined area may not  
1-44 exceed one-fourth of the assessed value of the real property in the  
1-45 defined area.

1-46 SECTION 2. (a) The legal notice of the intention to  
1-47 introduce this Act, setting forth the general substance of this  
1-48 Act, has been published as provided by law, and the notice and a  
1-49 copy of this Act have been furnished to all persons, agencies,  
1-50 officials, or entities to which they are required to be furnished  
1-51 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
1-52 Government Code.

1-53 (b) The governor, one of the required recipients, has  
1-54 submitted the notice and Act to the Texas Commission on  
1-55 Environmental Quality.

1-56 (c) The Texas Commission on Environmental Quality has filed  
1-57 its recommendations relating to this Act with the governor, the  
1-58 lieutenant governor, and the speaker of the house of  
1-59 representatives within the required time.

1-60 (d) All requirements of the constitution and laws of this  
1-61 state and the rules and procedures of the legislature with respect  
1-62 to the notice, introduction, and passage of this Act are fulfilled  
1-63 and accomplished.

1-64 SECTION 3. This Act takes effect immediately if it receives

2-1 a vote of two-thirds of all the members elected to each house, as  
2-2 provided by Section 39, Article III, Texas Constitution. If this  
2-3 Act does not receive the vote necessary for immediate effect, this  
2-4 Act takes effect September 1, 2009.

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