

1-1 By: Gattis (Senate Sponsor - Ogden) H.B. No. 4779  
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 18, 2009, reported adversely,  
1-5 with favorable Committee Substitute by the following vote: Yeas 5,  
1-6 Nays 0; May 18, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4779 By: West

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the powers and duties of the 3 B&J Municipal Utility  
1-11 District; providing authority to impose a tax and issue bonds.

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

1-13 SECTION 1. Subchapter C, Chapter 8221, Special District  
1-14 Local Laws Code, is amended by adding Sections 8221.109, 8221.110,  
1-15 and 8221.111 to read as follows:

1-16 Sec. 8221.109. AUTHORITY FOR ROAD PROJECTS. Under Section  
1-17 52, Article III, Texas Constitution, the district may design,  
1-18 acquire, construct, finance, issue bonds for, improve, operate,  
1-19 maintain, and convey to this state, a county, or a municipality for  
1-20 operation and maintenance macadamized, graveled, or paved roads, or  
1-21 improvements, including storm drainage, in aid of those roads.

1-22 Sec. 8221.110. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
1-23 project must meet all applicable construction standards, zoning and  
1-24 subdivision requirements, and regulations of each municipality in  
1-25 whose corporate limits or extraterritorial jurisdiction the road  
1-26 project is located.

1-27 (b) If a road project is not located in the corporate limits  
1-28 or extraterritorial jurisdiction of a municipality, the road  
1-29 project must meet all applicable construction standards,  
1-30 subdivision requirements, and regulations of each county in which  
1-31 the road project is located.

1-32 (c) If the state will maintain and operate the road, the  
1-33 Texas Transportation Commission must approve the plans and  
1-34 specifications of the road project.

1-35 Sec. 8221.111. LIMITATION ON USE OF EMINENT DOMAIN. The  
1-36 district may not exercise the power of eminent domain outside the  
1-37 district to acquire a site or easement for a road project authorized  
1-38 by Section 8221.109.

1-39 SECTION 2. Section 8221.201, Special District Local Laws  
1-40 Code, is amended to read as follows:

1-41 Sec. 8221.201. AUTHORITY TO ISSUE BONDS AND OTHER  
1-42 OBLIGATIONS. The district may issue bonds or other obligations  
1-43 payable wholly or partly from ad valorem taxes, impact fees,  
1-44 revenue, grants, or other district money, or any combination of  
1-45 those sources, to pay for any authorized district purpose,  
1-46 including a purpose described by Section 8221.109.

1-47 SECTION 3. Subchapter E, Chapter 8221, Special District  
1-48 Local Laws Code, is amended by adding Section 8221.203 to read as  
1-49 follows:

1-50 Sec. 8221.203. BONDS FOR ROAD PROJECTS. (a) At the time of  
1-51 issuance, the total principal amount of bonds or other obligations  
1-52 issued or incurred to finance road projects and payable from ad  
1-53 valorem taxes may not exceed one-fourth of the assessed value of the  
1-54 real property in the district.

1-55 (b) The district may not issue bonds payable from ad valorem  
1-56 taxes to finance a road project unless the issuance is approved by a  
1-57 vote of a two-thirds majority of the district voters voting at an  
1-58 election held for that purpose.

1-59 SECTION 4. (a) The legal notice of the intention to  
1-60 introduce this Act, setting forth the general substance of this  
1-61 Act, has been published as provided by law, and the notice and a  
1-62 copy of this Act have been furnished to all persons, agencies,  
1-63 officials, or entities to which they are required to be furnished

2-1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2-2 Government Code.

2-3 (b) The governor, one of the required recipients, has  
2-4 submitted the notice and Act to the Texas Commission on  
2-5 Environmental Quality.

2-6 (c) The Texas Commission on Environmental Quality has filed  
2-7 its recommendations relating to this Act with the governor, the  
2-8 lieutenant governor, and the speaker of the house of  
2-9 representatives within the required time.

2-10 (d) All requirements of the constitution and laws of this  
2-11 state and the rules and procedures of the legislature with respect  
2-12 to the notice, introduction, and passage of this Act are fulfilled  
2-13 and accomplished.

2-14 SECTION 5. This Act takes effect immediately if it receives  
2-15 a vote of two-thirds of all the members elected to each house, as  
2-16 provided by Section 39, Article III, Texas Constitution. If this  
2-17 Act does not receive the vote necessary for immediate effect, this  
2-18 Act takes effect September 1, 2009.

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