

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Gattis

H.B. No. 4779

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(c) If the state will maintain and operate the road, the

1 Texas Transportation Commission must approve the plans and  
2 specifications of the road project.

3 SECTION 2. Section 8221.201, Special District Local Laws  
4 Code, is amended to read as follows:

5 Sec. 8221.201. AUTHORITY TO ISSUE BONDS AND OTHER  
6 OBLIGATIONS. The district may issue bonds or other obligations  
7 payable wholly or partly from ad valorem taxes, impact fees,  
8 revenue, grants, or other district money, or any combination of  
9 those sources, to pay for any authorized district purpose,  
10 including a purpose described by Section 8221.109.

11 SECTION 3. Subchapter E, Chapter 8221, Special District  
12 Local Laws Code, is amended by adding Section 8221.203 to read as  
13 follows:

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

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

23 SECTION 4. (a) The legal notice of the intention to  
24 introduce this Act, setting forth the general substance of this  
25 Act, has been published as provided by law, and the notice and a  
26 copy of this Act have been furnished to all persons, agencies,  
27 officials, or entities to which they are required to be furnished

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

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

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

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

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

**ADOPTED**

MAY 21 2009

*Atty Gen*  
Secretary of the Senate

By: *Ogden*

H.B. No. 4779

Substitute the following for H.B. No. 4779:

By: *Roger W. N.*

C.S. H.B. No. 4779

A BILL TO BE ENTITLED

AN ACT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

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

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

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

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

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

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

(c) If the state will maintain and operate the road, the

1 Texas Transportation Commission must approve the plans and  
2 specifications of the road project.

3 Sec. 8221.111. LIMITATION ON USE OF EMINENT DOMAIN. The  
4 district may not exercise the power of eminent domain outside the  
5 district to acquire a site or easement for a road project authorized  
6 by Section 8221.109.

7 SECTION 2. Section 8221.201, Special District Local Laws  
8 Code, is amended to read as follows:

9 Sec. 8221.201. AUTHORITY TO ISSUE BONDS AND OTHER  
10 OBLIGATIONS. The district may issue bonds or other obligations  
11 payable wholly or partly from ad valorem taxes, impact fees,  
12 revenue, grants, or other district money, or any combination of  
13 those sources, to pay for any authorized district purpose,  
14 including a purpose described by Section 8221.109.

15 SECTION 3. Subchapter E, Chapter 8221, Special District  
16 Local Laws Code, is amended by adding Section 8221.203 to read as  
17 follows:

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

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

27 SECTION 4. (a) The legal notice of the intention to

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

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

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

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

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

6  
~~2~~

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 21, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4779** by Gattis (Relating to the powers and duties of the 3 B&J Municipal Utility District; providing authority to impose a tax and issue bonds.), **As Passed 2nd House**

<b>No fiscal implication to the State is anticipated.</b>
---

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, SD, DB, KJG, CL





**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 14, 2009**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4779** by Gattis (Relating to the powers and duties of the 3 B&J Municipal Utility District; providing authority to impose a tax and issue bonds.), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, DB, KJG, CL



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 13, 2009**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB4779** by Gattis (Relating to the powers and duties of the 3 B&J Municipal Utility District; providing authority to impose a tax and issue bonds.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, DB, KJG, CL



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 17, 2009**

**TO:** Honorable Joseph Pickett, Chair, House Committee on Transportation

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB4779** by Gattis (Relating to the powers and duties of the 3 B&J Municipal Utility District; providing authority to impose a tax and issue bonds.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, KJG, CL

