

1-1 By: Taylor S.B. No. 703  
1-2 (In the Senate - Filed February 21, 2013; February 25, 2013,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; March 18, 2013, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; March 18, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED  
1-14 AN ACT

1-15 relating to the powers and duties of the Brazoria County Municipal  
1-16 Utility District No. 39; providing authority to impose a tax or fee  
1-17 and issue bonds.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-20 Code, is amended by adding Chapter 8429 to read as follows:

1-21 CHAPTER 8429. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 39

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8429.001. DEFINITION. In this chapter, "district"  
1-24 means the Brazoria County Municipal Utility District No. 39.

1-25 Sec. 8429.002. NATURE OF DISTRICT. The district is a  
1-26 municipal utility district created under Section 59, Article XVI,  
1-27 Texas Constitution.

1-28 Sec. 8429.003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-29 (a) The district is created to serve a public purpose and benefit.

1-30 (b) The district is created to accomplish the purposes of:

1-31 (1) a municipal utility district as provided by  
1-32 general law and Section 59, Article XVI, Texas Constitution; and

1-33 (2) Section 52, Article III, Texas Constitution, that  
1-34 relate to the construction, acquisition, improvement, operation,  
1-35 or maintenance of macadamized, graveled, or paved roads, or  
1-36 improvements, including storm drainage, in aid of those roads.

1-37 SUBCHAPTER B. POWERS AND DUTIES

1-38 Sec. 8429.051. GENERAL POWERS AND DUTIES. The district has  
1-39 the powers and duties necessary to accomplish the purposes for  
1-40 which the district is created.

1-41 Sec. 8429.052. MUNICIPAL UTILITY DISTRICT POWERS AND  
1-42 DUTIES. The district has the powers and duties provided by the  
1-43 general law of this state, including Chapters 49 and 54, Water Code,  
1-44 applicable to municipal utility districts created under Section 59,  
1-45 Article XVI, Texas Constitution.

1-46 Sec. 8429.053. AUTHORITY FOR ROAD PROJECTS. Under Section  
1-47 52, Article III, Texas Constitution, the district may design,  
1-48 acquire, construct, finance, issue bonds for, improve, operate,  
1-49 maintain, and convey to this state, a county, or a municipality for  
1-50 operation and maintenance macadamized, graveled, or paved roads, or  
1-51 improvements, including storm drainage, in aid of those roads.

1-52 Sec. 8429.054. ROAD STANDARDS AND REQUIREMENTS. (a) A  
1-53 road project must meet all applicable construction standards,  
1-54 zoning and subdivision requirements, and regulations of each  
1-55 municipality in whose corporate limits or extraterritorial  
1-56 jurisdiction the road project is located.

1-57 (b) If a road project is not located in the corporate limits  
1-58 or extraterritorial jurisdiction of a municipality, the road  
1-59 project must meet all applicable construction standards,  
1-60 subdivision requirements, and regulations of each county in which  
1-61 the road project is located.

2-1 (c) If the state will maintain and operate the road, the  
2-2 Texas Transportation Commission must approve the plans and  
2-3 specifications of the road project.

2-4 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2-5 Sec. 8429.101. AUTHORITY TO ISSUE BONDS AND OTHER  
2-6 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds  
2-7 or other obligations payable wholly or partly from ad valorem  
2-8 taxes, impact fees, revenue, contract payments, grants, or other  
2-9 district money, or any combination of those sources, to pay for a  
2-10 road project authorized by Section 8429.053.

2-11 (b) The district may not issue bonds payable from ad valorem  
2-12 taxes to finance a road project unless the issuance is approved by a  
2-13 vote of a two-thirds majority of the district voters voting at an  
2-14 election held for that purpose.

2-15 (c) At the time of issuance, the total principal amount of  
2-16 bonds or other obligations issued or incurred to finance road  
2-17 projects and payable from ad valorem taxes may not exceed  
2-18 one-fourth of the assessed value of real property in the district.

2-19 Sec. 8429.102. TAXES FOR BONDS. At the time the district  
2-20 issues bonds payable wholly or partly from ad valorem taxes, the  
2-21 board shall provide for the annual imposition of a continuing  
2-22 direct ad valorem tax, without limit as to rate or amount, while all  
2-23 or part of the bonds are outstanding as required and in the manner  
2-24 provided by Sections 54.601 and 54.602, Water Code.

2-25 SECTION 2. The Brazoria County Municipal Utility District  
2-26 No. 39 retains all the rights, powers, privileges, authority,  
2-27 duties, and functions that it had before the effective date of this  
2-28 Act.

2-29 SECTION 3. (a) The legislature validates and confirms all  
2-30 acts and proceedings of the board of directors of the Brazoria  
2-31 County Municipal Utility District No. 39 that were taken before the  
2-32 effective date of this Act.

2-33 (b) Subsection (a) of this section does not apply to any  
2-34 matter that on the effective date of this Act:

2-35 (1) is involved in litigation if the litigation  
2-36 ultimately results in the matter being held invalid by a final  
2-37 judgment of a court; or

2-38 (2) has been held invalid by a final judgment of a  
2-39 court.

2-40 SECTION 4. (a) The legal notice of the intention to  
2-41 introduce this Act, setting forth the general substance of this  
2-42 Act, has been published as provided by law, and the notice and a  
2-43 copy of this Act have been furnished to all persons, agencies,  
2-44 officials, or entities to which they are required to be furnished  
2-45 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2-46 Government Code.

2-47 (b) The governor, one of the required recipients, has  
2-48 submitted the notice and Act to the Texas Commission on  
2-49 Environmental Quality.

2-50 (c) The Texas Commission on Environmental Quality has filed  
2-51 its recommendations relating to this Act with the governor, the  
2-52 lieutenant governor, and the speaker of the house of  
2-53 representatives within the required time.

2-54 (d) All requirements of the constitution and laws of this  
2-55 state and the rules and procedures of the legislature with respect  
2-56 to the notice, introduction, and passage of this Act are fulfilled  
2-57 and accomplished.

2-58 SECTION 5. This Act takes effect immediately if it receives  
2-59 a vote of two-thirds of all the members elected to each house, as  
2-60 provided by Section 39, Article III, Texas Constitution. If this  
2-61 Act does not receive the vote necessary for immediate effect, this  
2-62 Act takes effect September 1, 2013.

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