

By: Taylor

S.B. No. 704

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Brazoria County Municipal Utility District No. 35; providing authority to impose a tax or fee and issue bonds.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8430 to read as follows:

CHAPTER 8430. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 35

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8430.001. DEFINITION. In this chapter, "district" means the Brazoria County Municipal Utility District No. 35.

Sec. 8430.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8430.003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

1                   SUBCHAPTER B. POWERS AND DUTIES

2           Sec. 8430.051. GENERAL POWERS AND DUTIES. The district has  
3 the powers and duties necessary to accomplish the purposes for  
4 which the district is created.

5           Sec. 8430.052. MUNICIPAL UTILITY DISTRICT POWERS AND  
6 DUTIES. The district has the powers and duties provided by the  
7 general law of this state, including Chapters 49 and 54, Water Code,  
8 applicable to municipal utility districts created under Section 59,  
9 Article XVI, Texas Constitution.

10          Sec. 8430.053. AUTHORITY FOR ROAD PROJECTS. Under Section  
11 52, Article III, Texas Constitution, the district may design,  
12 acquire, construct, finance, issue bonds for, improve, operate,  
13 maintain, and convey to this state, a county, or a municipality for  
14 operation and maintenance macadamized, graveled, or paved roads, or  
15 improvements, including storm drainage, in aid of those roads.

16          Sec. 8430.054. ROAD STANDARDS AND REQUIREMENTS. (a) A  
17 road project must meet all applicable construction standards,  
18 zoning and subdivision requirements, and regulations of each  
19 municipality in whose corporate limits or extraterritorial  
20 jurisdiction the road project is located.

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

26          (c) If the state will maintain and operate the road, the  
27 Texas Transportation Commission must approve the plans and

1 specifications of the road project.

2 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

3 Sec. 8430.101. AUTHORITY TO ISSUE BONDS AND OTHER  
4 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds  
5 or other obligations payable wholly or partly from ad valorem  
6 taxes, impact fees, revenue, contract payments, grants, or other  
7 district money, or any combination of those sources, to pay for a  
8 road project authorized by Section 8430.053.

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

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

17 Sec. 8430.102. TAXES FOR BONDS. At the time the district  
18 issues bonds payable wholly or partly from ad valorem taxes, the  
19 board of the district shall provide for the annual imposition of a  
20 continuing direct ad valorem tax, without limit as to rate or  
21 amount, while all or part of the bonds are outstanding as required  
22 and in the manner provided by Sections 54.601 and 54.602, Water  
23 Code.

24 SECTION 2. The Brazoria County Municipal Utility District  
25 No. 35 retains all the rights, powers, privileges, authority,  
26 duties, and functions that it had before the effective date of this  
27 Act.

1           SECTION 3. (a) The legislature validates and confirms all  
2 acts and proceedings of the board of directors of the Brazoria  
3 County Municipal Utility District No. 35 that were taken before the  
4 effective date of this Act.

5           (b) Subsection (a) of this section does not apply to any  
6 matter that on the effective date of this Act:

7                 (1) is involved in litigation if the litigation  
8 ultimately results in the matter being held invalid by a final  
9 judgment of a court; or

10                (2) has been held invalid by a final judgment of a  
11 court.

12           SECTION 4. (a) The legal notice of the intention to  
13 introduce this Act, setting forth the general substance of this  
14 Act, has been published as provided by law, and the notice and a  
15 copy of this Act have been furnished to all persons, agencies,  
16 officials, or entities to which they are required to be furnished  
17 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
18 Government Code.

19           (b) The governor, one of the required recipients, has  
20 submitted the notice and Act to the Texas Commission on  
21 Environmental Quality.

22           (c) The Texas Commission on Environmental Quality has filed  
23 its recommendations relating to this Act with the governor, the  
24 lieutenant governor, and the speaker of the house of  
25 representatives within the required time.

26           (d) All requirements of the constitution and laws of this  
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled  
2 and accomplished.

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