

1-1 By: Taylor S.B. No. 704
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	Hinojosa	X		
1-9	Nichols	X		
1-10	Garcia	X		
1-11	Paxton	X		
1-12	Taylor	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. 35; 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 8430 to read as follows:

1-21 CHAPTER 8430. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 35

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8430.001. DEFINITION. In this chapter, "district"
1-24 means the Brazoria County Municipal Utility District No. 35.

1-25 Sec. 8430.002. 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. 8430.003. 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. 8430.051. 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. 8430.052. 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. 8430.053. 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. 8430.054. 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. 8430.101. 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 8430.053.

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. 8430.102. TAXES FOR BONDS. At the time the district
2-20 issues bonds payable wholly or partly from ad valorem taxes, the
2-21 board of the district shall provide for the annual imposition of a
2-22 continuing direct ad valorem tax, without limit as to rate or
2-23 amount, while all or part of the bonds are outstanding as required
2-24 and in the manner provided by Sections 54.601 and 54.602, Water
2-25 Code.

2-26 SECTION 2. The Brazoria County Municipal Utility District
2-27 No. 35 retains all the rights, powers, privileges, authority,
2-28 duties, and functions that it had before the effective date of this
2-29 Act.

2-30 SECTION 3. (a) The legislature validates and confirms all
2-31 acts and proceedings of the board of directors of the Brazoria
2-32 County Municipal Utility District No. 35 that were taken before the
2-33 effective date of this Act.

2-34 (b) Subsection (a) of this section does not apply to any
2-35 matter that on the effective date of this Act:

2-36 (1) is involved in litigation if the litigation
2-37 ultimately results in the matter being held invalid by a final
2-38 judgment of a court; or

2-39 (2) has been held invalid by a final judgment of a
2-40 court.

2-41 SECTION 4. (a) The legal notice of the intention to
2-42 introduce this Act, setting forth the general substance of this
2-43 Act, has been published as provided by law, and the notice and a
2-44 copy of this Act have been furnished to all persons, agencies,
2-45 officials, or entities to which they are required to be furnished
2-46 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-47 Government Code.

2-48 (b) The governor, one of the required recipients, has
2-49 submitted the notice and Act to the Texas Commission on
2-50 Environmental Quality.

2-51 (c) The Texas Commission on Environmental Quality has filed
2-52 its recommendations relating to this Act with the governor, the
2-53 lieutenant governor, and the speaker of the house of
2-54 representatives within the required time.

2-55 (d) All requirements of the constitution and laws of this
2-56 state and the rules and procedures of the legislature with respect
2-57 to the notice, introduction, and passage of this Act are fulfilled
2-58 and accomplished.

2-59 SECTION 5. This Act takes effect immediately if it receives
2-60 a vote of two-thirds of all the members elected to each house, as
2-61 provided by Section 39, Article III, Texas Constitution. If this
2-62 Act does not receive the vote necessary for immediate effect, this
2-63 Act takes effect September 1, 2013.

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