

By: Taylor  
(Thompson of Brazoria)

S.B. No. 705

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Brazoria County Municipal Utility District No. 40; providing authority to impose taxes and fees 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 8450 to read as follows:

CHAPTER 8450. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 40

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8450.001. DEFINITION. In this chapter, "district" means the Brazoria County Municipal Utility District No. 40.

Sec. 8450.002. NATURE AND PURPOSES OF DISTRICT. (a) The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

(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.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8450.051. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for

1 which the district is created.

2 Sec. 8450.052. MUNICIPAL UTILITY DISTRICT POWERS AND  
3 DUTIES. The district has the powers and duties provided by the  
4 general law of this state, including Chapters 49 and 54, Water Code,  
5 applicable to municipal utility districts created under Section 59,  
6 Article XVI, Texas Constitution.

7 Sec. 8450.053. AUTHORITY FOR ROAD PROJECTS. Under Section  
8 52, Article III, Texas Constitution, the district may design,  
9 acquire, construct, finance, issue bonds for, improve, operate,  
10 maintain, and convey to this state, a county, or a municipality for  
11 operation and maintenance macadamized, graveled, or paved roads, or  
12 improvements, including storm drainage, in aid of those roads.

13 Sec. 8450.054. ROAD STANDARDS AND REQUIREMENTS. (a) A  
14 road project must meet all applicable construction standards,  
15 zoning and subdivision requirements, and regulations of each  
16 municipality in whose corporate limits or extraterritorial  
17 jurisdiction the road project is located.

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

23 (c) If the state will maintain and operate the road, the  
24 Texas Transportation Commission must approve the plans and  
25 specifications of the road project.

26 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

27 Sec. 8450.101. AUTHORITY TO ISSUE BONDS AND OTHER

1 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds  
2 or other obligations payable wholly or partly from ad valorem  
3 taxes, impact fees, revenue, contract payments, grants, or other  
4 district money, or any combination of those sources, to pay for a  
5 road project authorized by Section 8450.053.

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

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

15 Sec. 8450.102. TAXES FOR BONDS. At the time the district  
16 issues bonds payable wholly or partly from ad valorem taxes, the  
17 board of the district shall provide for the annual imposition of a  
18 continuing direct ad valorem tax, without limit as to rate or  
19 amount, while all or part of the bonds are outstanding as required  
20 and in the manner provided by Sections 54.601 and 54.602, Water  
21 Code.

22 SECTION 2. Brazoria County Municipal Utility District No.  
23 40 retains all rights, powers, privileges, authorities, duties, and  
24 functions that it had before the effective date of this Act.

25 SECTION 3. (a) The legislature validates and confirms all  
26 governmental acts and proceedings of the Brazoria County Municipal  
27 Utility District No. 40 that were taken before the effective date of

1 this Act.

2 (b) This section does not apply to any matter that on the  
3 effective date of this Act:

4 (1) is involved in litigation if the litigation  
5 ultimately results in the matter being held invalid by a final court  
6 judgment; or

7 (2) has been held invalid by a final court judgment.

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

15 (b) The governor, one of the required recipients, has  
16 submitted the notice and Act to the Texas Commission on  
17 Environmental Quality.

18 (c) The Texas Commission on Environmental Quality has filed  
19 its recommendations relating to this Act with the governor, the  
20 lieutenant governor, and the speaker of the house of  
21 representatives within the required time.

22 (d) All requirements of the constitution and laws of this  
23 state and the rules and procedures of the legislature with respect  
24 to the notice, introduction, and passage of this Act are fulfilled  
25 and accomplished.

26 SECTION 5. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2013.