

1-1 By: Taylor S.B. No. 705
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 Hinojosa	X			
1-8 Nichols	X			
1-9 Garcia	X			
1-10 Paxton	X			
1-11 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. 40; providing authority to impose taxes and
1-17 fees 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 8450 to read as follows:

1-21 CHAPTER 8450. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 40

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8450.001. DEFINITION. In this chapter, "district"
1-24 means the Brazoria County Municipal Utility District No. 40.

1-25 Sec. 8450.002. NATURE AND PURPOSES OF DISTRICT. (a) The
1-26 district is a municipal utility district created under Section 59,
1-27 Article XVI, Texas Constitution.

1-28 (b) The district is created to accomplish the purposes of:

1-29 (1) a municipal utility district as provided by
1-30 general law and Section 59, Article XVI, Texas Constitution; and

1-31 (2) Section 52, Article III, Texas Constitution, that
1-32 relate to the construction, acquisition, improvement, operation,
1-33 or maintenance of macadamized, graveled, or paved roads, or
1-34 improvements, including storm drainage, in aid of those roads.

1-35 SUBCHAPTER B. POWERS AND DUTIES

1-36 Sec. 8450.051. GENERAL POWERS AND DUTIES. The district has
1-37 the powers and duties necessary to accomplish the purposes for
1-38 which the district is created.

1-39 Sec. 8450.052. MUNICIPAL UTILITY DISTRICT POWERS AND
1-40 DUTIES. The district has the powers and duties provided by the
1-41 general law of this state, including Chapters 49 and 54, Water Code,
1-42 applicable to municipal utility districts created under Section 59,
1-43 Article XVI, Texas Constitution.

1-44 Sec. 8450.053. AUTHORITY FOR ROAD PROJECTS. Under Section
1-45 52, Article III, Texas Constitution, the district may design,
1-46 acquire, construct, finance, issue bonds for, improve, operate,
1-47 maintain, and convey to this state, a county, or a municipality for
1-48 operation and maintenance macadamized, graveled, or paved roads, or
1-49 improvements, including storm drainage, in aid of those roads.

1-50 Sec. 8450.054. ROAD STANDARDS AND REQUIREMENTS. (a) A
1-51 road project must meet all applicable construction standards,
1-52 zoning and subdivision requirements, and regulations of each
1-53 municipality in whose corporate limits or extraterritorial
1-54 jurisdiction the road project is located.

1-55 (b) If a road project is not located in the corporate limits
1-56 or extraterritorial jurisdiction of a municipality, the road
1-57 project must meet all applicable construction standards,
1-58 subdivision requirements, and regulations of each county in which
1-59 the road project is located.

1-60 (c) If the state will maintain and operate the road, the
1-61 Texas Transportation Commission must approve the plans and

2-1 specifications of the road project.

2-2 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2-3 Sec. 8450.101. AUTHORITY TO ISSUE BONDS AND OTHER
 2-4 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds
 2-5 or other obligations payable wholly or partly from ad valorem
 2-6 taxes, impact fees, revenue, contract payments, grants, or other
 2-7 district money, or any combination of those sources, to pay for a
 2-8 road project authorized by Section 8450.053.

2-9 (b) The district may not issue bonds payable from ad valorem
 2-10 taxes to finance a road project unless the issuance is approved by a
 2-11 vote of a two-thirds majority of the district voters voting at an
 2-12 election held for that purpose.

2-13 (c) At the time of issuance, the total principal amount of
 2-14 bonds or other obligations issued or incurred to finance road
 2-15 projects and payable from ad valorem taxes may not exceed
 2-16 one-fourth of the assessed value of the real property in the
 2-17 district.

2-18 Sec. 8450.102. TAXES FOR BONDS. At the time the district
 2-19 issues bonds payable wholly or partly from ad valorem taxes, the
 2-20 board of the district shall provide for the annual imposition of a
 2-21 continuing direct ad valorem tax, without limit as to rate or
 2-22 amount, while all or part of the bonds are outstanding as required
 2-23 and in the manner provided by Sections 54.601 and 54.602, Water
 2-24 Code.

2-25 SECTION 2. Brazoria County Municipal Utility District No.
 2-26 40 retains all rights, powers, privileges, authorities, duties, and
 2-27 functions that it had before the effective date of this Act.

2-28 SECTION 3. (a) The legislature validates and confirms all
 2-29 governmental acts and proceedings of the Brazoria County Municipal
 2-30 Utility District No. 40 that were taken before the effective date of
 2-31 this Act.

2-32 (b) This section does not apply to any matter that on the
 2-33 effective date of this Act:

2-34 (1) is involved in litigation if the litigation
 2-35 ultimately results in the matter being held invalid by a final court
 2-36 judgment; or

2-37 (2) has been held invalid by a final court judgment.

2-38 SECTION 4. (a) The legal notice of the intention to
 2-39 introduce this Act, setting forth the general substance of this
 2-40 Act, has been published as provided by law, and the notice and a
 2-41 copy of this Act have been furnished to all persons, agencies,
 2-42 officials, or entities to which they are required to be furnished
 2-43 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 2-44 Government Code.

2-45 (b) The governor, one of the required recipients, has
 2-46 submitted the notice and Act to the Texas Commission on
 2-47 Environmental Quality.

2-48 (c) The Texas Commission on Environmental Quality has filed
 2-49 its recommendations relating to this Act with the governor, the
 2-50 lieutenant governor, and the speaker of the house of
 2-51 representatives within the required time.

2-52 (d) All requirements of the constitution and laws of this
 2-53 state and the rules and procedures of the legislature with respect
 2-54 to the notice, introduction, and passage of this Act are fulfilled
 2-55 and accomplished.

2-56 SECTION 5. This Act takes effect immediately if it receives
 2-57 a vote of two-thirds of all the members elected to each house, as
 2-58 provided by Section 39, Article III, Texas Constitution. If this
 2-59 Act does not receive the vote necessary for immediate effect, this
 2-60 Act takes effect September 1, 2013.

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