

By: Riddle

H.B. No. 4206

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the powers and duties of the Dowdell Public Utility
3 District; providing authority to issue bonds; providing authority
4 to impose fees and taxes.

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

6 SECTION 1. Section 8184.003(c), Special District Local Laws
7 Code, is amended to read as follows:

8 (c) The creation of the district is essential to accomplish
9 the purposes of:

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

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

16 SECTION 2. Subchapter C, Chapter 8184, Special District
17 Local Laws Code, is amended by adding Sections 8184.102, 8184.103,
18 and 8184.104 to read as follows:

19 Sec. 8184.102. AUTHORITY TO ESTABLISH DEFINED AREAS.
20 Notwithstanding the acreage requirement under Section 54.801(a),
21 Water Code, the district may establish and administer defined areas
22 as provided by Subchapter J, Chapter 54, Water Code.

23 Sec. 8184.103. AUTHORITY FOR ROAD PROJECTS. Under Section
24 52, Article III, Texas Constitution, the district may design,

1 acquire, construct, finance, issue bonds for, improve, operate,
2 maintain, and convey to this state, a county, or a municipality for
3 operation and maintenance macadamized, graveled, or paved roads, or
4 improvements, including storm drainage, in aid of those roads.

5 Sec. 8184.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
6 project must meet all applicable construction standards, zoning and
7 subdivision requirements, and regulations of each municipality in
8 whose corporate limits or extraterritorial jurisdiction the road
9 project is located.

10 (b) If a road project is not located in the corporate limits
11 or extraterritorial jurisdiction of a municipality, the road
12 project must meet all applicable construction standards,
13 subdivision requirements, and regulations of each county in which
14 the road project is located.

15 (c) If the state will maintain and operate the road, the
16 Texas Transportation Commission must approve the plans and
17 specifications of the road project.

18 SECTION 3. Chapter 8184, Special District Local Laws Code,
19 is amended by adding Subchapter D to read as follows:

20 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

21 Sec. 8184.151. AUTHORITY TO ISSUE BONDS AND OTHER
22 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
23 other obligations payable wholly or partly from ad valorem taxes,
24 impact fees, revenue, contract payments, grants, or other district
25 money, or any combination of those sources, to pay for a road
26 project authorized by Section 8184.103.

27 (b) The district may not issue bonds payable from ad valorem

1 taxes to finance a road project unless the issuance is approved by a
2 vote of a two-thirds majority of the district voters voting at an
3 election held for that purpose.

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

9 Sec. 8184.152. TAXES FOR BONDS. At the time the district
10 issues bonds payable wholly or partly from ad valorem taxes, the
11 district shall provide for the annual imposition of a continuing
12 direct ad valorem tax, without limit as to rate or amount, while all
13 or part of the bonds are outstanding as required and in the manner
14 provided by Sections 54.601 and 54.602, Water Code.

15 SECTION 4. The Dowdell Public Utility District retains all
16 rights, powers, privileges, authority, duties, and functions that
17 it had before the effective date of this Act.

18 SECTION 5. (a) The legislature validates and confirms all
19 acts and proceedings of the board of directors of the Dowdell Public
20 Utility District that were taken before the effective date of this
21 Act.

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

24 (1) is involved in litigation if the litigation
25 ultimately results in the matter being held invalid by a final
26 judgment of a court; or

27 (2) has been held invalid by a final judgment of a

1 court.

2 SECTION 6. (a) The legal notice of the intention to
3 introduce this Act, setting forth the general substance of this
4 Act, has been published as provided by law, and the notice and a
5 copy of this Act have been furnished to all persons, agencies,
6 officials, or entities to which they are required to be furnished
7 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8 Government Code.

9 (b) The governor, one of the required recipients, has
10 submitted the notice and Act to the Texas Commission on
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor, the
14 lieutenant governor, and the speaker of the house of
15 representatives within the required time.

16 (d) All requirements of the constitution and laws of this
17 state and the rules and procedures of the legislature with respect
18 to the notice, introduction, and passage of this Act are fulfilled
19 and accomplished.

20 SECTION 7. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2015.