By:  Metcalf (Senate Sponsor - Creighton) H.B. No. 4654

(In the Senate - Received from the House April 29, 2019; April 29, 2019, read first time and referred to Committee on Administration; May 3, 2019, reported favorably by the following vote: Yeas 4, Nays 0; May 3, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Fallon          X

Huffman                   X

Johnson         X

Menéndez                  X

Nichols                   X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to the board of directors and powers and duties of the East Montgomery County Municipal Utility District No. 12; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1.  Section 8116.002, Special District Local Laws Code, is amended to read as follows:

Sec. 8116.002.  NATURE AND PURPOSES OF DISTRICT. (a) The district is [~~a municipal utility district in Montgomery County~~] created to serve a public purpose and benefit [~~under and essential to accomplish the purposes of 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.

SECTION 2.  Section 8116.051(b), Special District Local Laws Code, is amended to read as follows:

(b)  Except as provided by Section 8116.053, directors [~~Directors~~] serve staggered four-year terms.

SECTION 3.  Subchapter B, Chapter 8116, Special District Local Laws Code, is amended by adding Section 8116.053 to read as follows:

Sec. 8116.053.  TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1)  Larry Williams;

(2)  Rachel Maybray;

(3)  Michael Others;

(4)  Virginia French; and

(5)  Valerie Mullan.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected at an election held under Section 49.102, Water Code; or

(2)  the fourth anniversary of the effective date of the Act enacting this section.

(c)  If permanent directors have not been elected at an election held under Section 49.102, Water Code, and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1)  the date permanent directors are elected at an election held under Section 49.102, Water Code; or

(2)  the fourth anniversary of the date of the appointment or reappointment.

(d)  If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the five persons named in the petition. The Texas Commission on Environmental Quality shall appoint as successor temporary directors the five persons named in the petition.

SECTION 4.  Subchapter C, Chapter 8116, Special District Local Laws Code, is amended by adding Sections 8116.104, 8116.105, 8116.106, and 8116.107 to read as follows:

Sec. 8116.104.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8116.105.  MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8116.106.  AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8116.107.  ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

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

SECTION 5.  Chapter 8116, Special District Local Laws Code, is amended by adding Subchapters D and E to read as follows:

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8116.151.  ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1)  revenue other than ad valorem taxes; or

(2)  contract payments described by Section 8116.153.

(b)  The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

Sec. 8116.152.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8116.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b)  The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8116.153.  CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b)  A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8116.201.  AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8116.202.  TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8116.203.  BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 6.  The following provisions of the Special District Local Laws Code are repealed:

(1)  Subchapter A1, Chapter 8116; and

(2)  Section 8116.052.

SECTION 7.  The East Montgomery County Municipal Utility District No. 12 retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 8.  (a) The legislature validates and confirms all governmental acts and proceedings of the East Montgomery County Municipal Utility District No. 12 that were taken before the effective date of this Act.

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

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

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

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

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

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

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

SECTION 10.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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