

By: Thompson of Brazoria

H.B. No. 4656

A BILL TO BE ENTITLED

AN ACT

relating to the board of directors and powers and duties of the Brazoria County Municipal Utility District No. 13; providing authority to issue bonds; providing authority to impose a tax.

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 8029 to read as follows:

CHAPTER 8029. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 13

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8029.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "District" means the Brazoria County Municipal Utility District No. 13.

Sec. 8029.0102. 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

1 improvements, including storm drainage, in aid of those roads.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8029.0201. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8029.0202, directors
6 serve staggered four-year terms.

7 Sec. 8029.0202. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Gordon Richardson;

10 (2) Lisa Gasper;

11 (3) Randy Leonhardt;

12 (4) Greg Eknoyan; and

13 (5) Daniel Pereya.

14 (b) Temporary directors serve until the earlier of:

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

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

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

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

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

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8029.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8029.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8029.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8029.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
24 road project must meet all applicable construction standards,
25 zoning and subdivision requirements, and regulations of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the road project is located.

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

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

9 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

10 Sec. 8029.0401. AUTHORITY TO ISSUE BONDS AND OTHER
11 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
12 other obligations payable wholly or partly from ad valorem taxes,
13 impact fees, revenue, contract payments, grants, or other district
14 money, or any combination of those sources, to pay for a road
15 project authorized by Section 8029.0303.

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

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

25 Sec. 8029.0402. TAXES FOR BONDS. At the time the district
26 issues bonds payable wholly or partly from ad valorem taxes, the
27 board shall provide for the annual imposition of a continuing

1 direct ad valorem tax, without limit as to rate or amount, while all
2 or part of the bonds are outstanding as required and in the manner
3 provided by Sections 54.601 and 54.602, Water Code.

4 SECTION 2. The Brazoria County Municipal Utility District
5 No. 13 retains all the rights, powers, privileges, authority,
6 duties, and functions that it had before the effective date of this
7 Act.

8 SECTION 3. (a) The legislature validates and confirms all
9 governmental acts and proceedings of the Brazoria County Municipal
10 Utility District No. 13 that were taken before the effective date of
11 this Act.

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

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

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

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

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

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

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

9 SECTION 5. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2019.