

1 AN ACT

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

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

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 8029 to read as follows:

8 CHAPTER 8029. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 13

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8029.0101. DEFINITIONS. In this chapter:

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

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

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

16 Sec. 8029.0102. NATURE AND PURPOSES OF DISTRICT. (a) The  
17 district is a municipal utility district created under Section 59,  
18 Article XVI, Texas Constitution.

19 (b) The district is created to accomplish the purposes of:

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

22 (2) Section 52, Article III, Texas Constitution, that  
23 relate to the construction, acquisition, improvement, operation,  
24 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.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4656 was passed by the House on May 3, 2019, by the following vote: Yeas 124, Nays 16, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4656 was passed by the Senate on May 21, 2019, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor