

1-1 By: Thompson of Brazoria (Senate Sponsor - Taylor) H.B. No. 4656  
1-2 (In the Senate - Received from the House May 6, 2019;  
1-3 May 7, 2019, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 15, 2019, reported favorably by  
1-5 the following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the board of directors and powers and duties of the  
1-18 Brazoria County Municipal Utility District No. 13; providing  
1-19 authority to issue bonds; providing authority to impose a tax.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-22 Code, is amended by adding Chapter 8029 to read as follows:

1-23 CHAPTER 8029. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 13

1-24 SUBCHAPTER A. GENERAL PROVISIONS

1-25 Sec. 8029.0101. DEFINITIONS. In this chapter:

1-26 (1) "Board" means the district's board of directors.

1-27 (2) "Commission" means the Texas Commission on  
1-28 Environmental Quality.

1-29 (3) "District" means the Brazoria County Municipal  
1-30 Utility District No. 13.

1-31 Sec. 8029.0102. NATURE AND PURPOSES OF DISTRICT. (a) The  
1-32 district is a municipal utility district created under Section 59,  
1-33 Article XVI, Texas Constitution.

1-34 (b) The district is created to accomplish the purposes of:

1-35 (1) a municipal utility district as provided by  
1-36 general law and Section 59, Article XVI, Texas Constitution; and

1-37 (2) Section 52, Article III, Texas Constitution, that  
1-38 relate to the construction, acquisition, improvement, operation,  
1-39 or maintenance of macadamized, graveled, or paved roads, or  
1-40 improvements, including storm drainage, in aid of those roads.

1-41 SUBCHAPTER B. BOARD OF DIRECTORS

1-42 Sec. 8029.0201. GOVERNING BODY; TERMS. (a) The district is  
1-43 governed by a board of five elected directors.

1-44 (b) Except as provided by Section 8029.0202, directors  
1-45 serve staggered four-year terms.

1-46 Sec. 8029.0202. TEMPORARY DIRECTORS. (a) The temporary  
1-47 board consists of:

1-48 (1) Gordon Richardson;

1-49 (2) Lisa Gasper;

1-50 (3) Randy Leonhardt;

1-51 (4) Greg Eknoyan; and

1-52 (5) Daniel Pereya.

1-53 (b) Temporary directors serve until the earlier of:

1-54 (1) the date permanent directors are elected at an  
1-55 election held under Section 49.102, Water Code; or

1-56 (2) the fourth anniversary of the effective date of  
1-57 the Act enacting this chapter.

1-58 (c) If permanent directors have not been elected at an  
1-59 election held under Section 49.102, Water Code, and the terms of the  
1-60 temporary directors have expired, successor temporary directors  
1-61 shall be appointed or reappointed as provided by Subsection (d) to

2-1 serve terms that expire on the earlier of:

2-2 (1) the date permanent directors are elected at an  
 2-3 election held under Section 49.102, Water Code; or

2-4 (2) the fourth anniversary of the date of the  
 2-5 appointment or reappointment.

2-6 (d) If Subsection (c) applies, the owner or owners of a  
 2-7 majority of the assessed value of the real property in the district  
 2-8 may submit a petition to the commission requesting that the  
 2-9 commission appoint as successor temporary directors the five  
 2-10 persons named in the petition. The commission shall appoint as  
 2-11 successor temporary directors the five persons named in the  
 2-12 petition.

#### 2-13 SUBCHAPTER C. POWERS AND DUTIES

2-14 Sec. 8029.0301. GENERAL POWERS AND DUTIES. The district  
 2-15 has the powers and duties necessary to accomplish the purposes for  
 2-16 which the district is created.

2-17 Sec. 8029.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-18 DUTIES. The district has the powers and duties provided by the  
 2-19 general law of this state, including Chapters 49 and 54, Water Code,  
 2-20 applicable to municipal utility districts created under Section 59,  
 2-21 Article XVI, Texas Constitution.

2-22 Sec. 8029.0303. AUTHORITY FOR ROAD PROJECTS. Under Section  
 2-23 52, Article III, Texas Constitution, the district may design,  
 2-24 acquire, construct, finance, issue bonds for, improve, operate,  
 2-25 maintain, and convey to this state, a county, or a municipality for  
 2-26 operation and maintenance macadamized, graveled, or paved roads, or  
 2-27 improvements, including storm drainage, in aid of those roads.

2-28 Sec. 8029.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
 2-29 road project must meet all applicable construction standards,  
 2-30 zoning and subdivision requirements, and regulations of each  
 2-31 municipality in whose corporate limits or extraterritorial  
 2-32 jurisdiction the road project is located.

2-33 (b) If a road project is not located in the corporate limits  
 2-34 or extraterritorial jurisdiction of a municipality, the road  
 2-35 project must meet all applicable construction standards,  
 2-36 subdivision requirements, and regulations of each county in which  
 2-37 the road project is located.

2-38 (c) If the state will maintain and operate the road, the  
 2-39 Texas Transportation Commission must approve the plans and  
 2-40 specifications of the road project.

#### 2-41 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

2-42 Sec. 8029.0401. AUTHORITY TO ISSUE BONDS AND OTHER  
 2-43 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or  
 2-44 other obligations payable wholly or partly from ad valorem taxes,  
 2-45 impact fees, revenue, contract payments, grants, or other district  
 2-46 money, or any combination of those sources, to pay for a road  
 2-47 project authorized by Section 8029.0303.

2-48 (b) The district may not issue bonds payable from ad valorem  
 2-49 taxes to finance a road project unless the issuance is approved by a  
 2-50 vote of a two-thirds majority of the district voters voting at an  
 2-51 election held for that purpose.

2-52 (c) At the time of issuance, the total principal amount of  
 2-53 bonds or other obligations issued or incurred to finance road  
 2-54 projects and payable from ad valorem taxes may not exceed  
 2-55 one-fourth of the assessed value of the real property in the  
 2-56 district.

2-57 Sec. 8029.0402. TAXES FOR BONDS. At the time the district  
 2-58 issues bonds payable wholly or partly from ad valorem taxes, the  
 2-59 board shall provide for the annual imposition of a continuing  
 2-60 direct ad valorem tax, without limit as to rate or amount, while all  
 2-61 or part of the bonds are outstanding as required and in the manner  
 2-62 provided by Sections 54.601 and 54.602, Water Code.

2-63 SECTION 2. The Brazoria County Municipal Utility District  
 2-64 No. 13 retains all the rights, powers, privileges, authority,  
 2-65 duties, and functions that it had before the effective date of this  
 2-66 Act.

2-67 SECTION 3. (a) The legislature validates and confirms all  
 2-68 governmental acts and proceedings of the Brazoria County Municipal  
 2-69 Utility District No. 13 that were taken before the effective date of

3-1 this Act.

3-2 (b) This section does not apply to any matter that on the  
3-3 effective date of this Act:

3-4 (1) is involved in litigation if the litigation  
3-5 ultimately results in the matter being held invalid by a final court  
3-6 judgment; or

3-7 (2) has been held invalid by a final court judgment.

3-8 SECTION 4. (a) The legal notice of the intention to  
3-9 introduce this Act, setting forth the general substance of this  
3-10 Act, has been published as provided by law, and the notice and a  
3-11 copy of this Act have been furnished to all persons, agencies,  
3-12 officials, or entities to which they are required to be furnished  
3-13 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3-14 Government Code.

3-15 (b) The governor, one of the required recipients, has  
3-16 submitted the notice and Act to the Texas Commission on  
3-17 Environmental Quality.

3-18 (c) The Texas Commission on Environmental Quality has filed  
3-19 its recommendations relating to this Act with the governor, the  
3-20 lieutenant governor, and the speaker of the house of  
3-21 representatives within the required time.

3-22 (d) All requirements of the constitution and laws of this  
3-23 state and the rules and procedures of the legislature with respect  
3-24 to the notice, introduction, and passage of this Act are fulfilled  
3-25 and accomplished.

3-26 SECTION 5. This Act takes effect immediately if it receives  
3-27 a vote of two-thirds of all the members elected to each house, as  
3-28 provided by Section 39, Article III, Texas Constitution. If this  
3-29 Act does not receive the vote necessary for immediate effect, this  
3-30 Act takes effect September 1, 2019.

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