

By: Fallon

S.B. No. 2535

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Lakehaven Municipal Utility District; 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 8093 to read as follows:

CHAPTER 8093. LAKEHAVEN MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8093.0101. DEFINITIONS. In this chapter:

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

(2) "District" means the Lakehaven Municipal Utility District.

Sec. 8093.0102. 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 improvements, including storm drainage, in aid of those roads.

1                   SUBCHAPTER B. POWERS AND DUTIES

2           Sec. 8093.0201. GENERAL POWERS AND DUTIES. The district  
3 has the powers and duties necessary to accomplish the purposes for  
4 which the district is created.

5           Sec. 8093.0202. MUNICIPAL UTILITY DISTRICT POWERS AND  
6 DUTIES. The district has the powers and duties provided by the  
7 general law of this state, including Chapters 49 and 54, Water Code,  
8 applicable to municipal utility districts created under Section 59,  
9 Article XVI, Texas Constitution.

10          Sec. 8093.0203. AUTHORITY FOR ROAD PROJECTS. Under Section  
11 52, Article III, Texas Constitution, the district may design,  
12 acquire, construct, finance, issue bonds for, improve, operate,  
13 maintain, and convey to this state, a county, or a municipality for  
14 operation and maintenance macadamized, graveled, or paved roads, or  
15 improvements, including storm drainage, in aid of those roads.

16          Sec. 8093.0204. ROAD STANDARDS AND REQUIREMENTS. (a) A  
17 road project must meet all applicable construction standards and  
18 regulations of each municipality in whose corporate limits or  
19 extraterritorial jurisdiction the road project is located.

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

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

1                   SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2                   Sec. 8093.0301. AUTHORITY TO ISSUE BONDS AND OTHER  
3 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or  
4 other obligations payable wholly or partly from ad valorem taxes,  
5 revenue, contract payments, grants, or other district money, or any  
6 combination of those sources, to pay for a road project authorized  
7 by Section 8093.0203.

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

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

17                   Sec. 8093.0302. TAXES FOR BONDS. At the time the district  
18 issues bonds payable wholly or partly from ad valorem taxes, the  
19 board shall provide for the annual imposition of a continuing  
20 direct ad valorem tax, without limit as to rate or amount, while all  
21 or part of the bonds are outstanding.

22                   SECTION 2. The Lakehaven Municipal Utility District retains  
23 all the rights, powers, privileges, authority, duties, and  
24 functions that it had before the effective date of this Act.

25                   SECTION 3. (a) The legal notice of the intention to  
26 introduce this Act, setting forth the general substance of this  
27 Act, has been published as provided by law, and the notice and a

1 copy of this Act have been furnished to all persons, agencies,  
2 officials, or entities to which they are required to be furnished  
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4 Government Code.

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

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

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

16 SECTION 4. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2019.