

1-1 By: Fallon S.B. No. 2535
1-2 (In the Senate - Filed April 5, 2019; April 9, 2019, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 26, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 April 26, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 2535 By: Fallon

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the powers and duties of the Lakehaven Municipal
1-20 Utility District; providing authority to issue bonds; providing
1-21 authority to impose a tax.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-24 Code, is amended by adding Chapter 8093 to read as follows:

1-25 CHAPTER 8093. LAKEHAVEN MUNICIPAL UTILITY DISTRICT

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 8093.0101. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "City" means the City of Farmersville, Texas.

1-30 (3) "District" means the Lakehaven Municipal Utility
1-31 District.

1-32 Sec. 8093.0102. NATURE AND PURPOSES OF DISTRICT. (a) The
1-33 district is a municipal utility district created under Section 59,
1-34 Article XVI, Texas Constitution.

1-35 (b) The district is created to accomplish the purposes of:

1-36 (1) a municipal utility district as provided by
1-37 general law and Section 59, Article XVI, Texas Constitution; and

1-38 (2) Section 52, Article III, Texas Constitution, that
1-39 relate to the construction, acquisition, improvement, operation,
1-40 or maintenance of macadamized, graveled, or paved roads, or
1-41 improvements, including storm drainage, in aid of those roads.

1-42 SUBCHAPTER B. POWERS AND DUTIES

1-43 Sec. 8093.0201. GENERAL POWERS AND DUTIES. The district
1-44 has the powers and duties necessary to accomplish the purposes for
1-45 which the district is created.

1-46 Sec. 8093.0202. MUNICIPAL UTILITY DISTRICT POWERS AND
1-47 DUTIES. The district has the powers and duties provided by the
1-48 general law of this state, including Chapters 49 and 54, Water Code,
1-49 applicable to municipal utility districts created under Section 59,
1-50 Article XVI, Texas Constitution.

1-51 Sec. 8093.0203. AUTHORITY FOR ROAD PROJECTS. Under Section
1-52 52, Article III, Texas Constitution, the district may design,
1-53 acquire, construct, finance, issue bonds for, improve, operate,
1-54 maintain, and convey to this state, a county, or a municipality for
1-55 operation and maintenance macadamized, graveled, or paved roads, or
1-56 improvements, including storm drainage, in aid of those roads.

1-57 Sec. 8093.0204. ROAD STANDARDS AND REQUIREMENTS. (a) A
1-58 road project must meet all applicable construction standards and
1-59 regulations of each municipality in whose corporate limits or
1-60 extraterritorial jurisdiction the road project is located.

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

2-5 (c) If the state will maintain and operate the road, the
2-6 Texas Transportation Commission must approve the plans and
2-7 specifications of the road project.

2-8 Sec. 8093.0205. ANIMAL CONTROL SERVICES. The district may:

2-9 (1) enforce in the district animal control ordinances
2-10 adopted by the city; and

2-11 (2) contract with the city to enforce an animal
2-12 control ordinance adopted by the city in the same manner as the
2-13 ordinance is enforced in the corporate limits of the city.

2-14 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2-15 Sec. 8093.0301. AUTHORITY TO ISSUE BONDS AND OTHER
2-16 OBLIGATIONS FOR ROAD PROJECTS. (a) Except as provided by Section
2-17 8093.0303, the district may issue bonds or other obligations
2-18 payable wholly or partly from ad valorem taxes, revenue, contract
2-19 payments, grants, or other district money, or any combination of
2-20 those sources, to pay for a road project authorized by Section
2-21 8093.0203.

2-22 (b) The district may not issue bonds payable from ad valorem
2-23 taxes to finance a road project unless the issuance is approved by a
2-24 vote of a two-thirds majority of the district voters voting at an
2-25 election held for that purpose.

2-26 (c) At the time of issuance, the total principal amount of
2-27 bonds or other obligations issued or incurred to finance road
2-28 projects and payable from ad valorem taxes may not exceed
2-29 one-fourth of the assessed value of the real property in the
2-30 district.

2-31 Sec. 8093.0302. TAXES FOR BONDS. At the time the district
2-32 issues bonds payable wholly or partly from ad valorem taxes, the
2-33 board shall provide for the annual imposition of a continuing
2-34 direct ad valorem tax, without limit as to rate or amount, while all
2-35 or part of the bonds are outstanding.

2-36 Sec. 8093.0303. CONDITION PRECEDENT TO ISSUING BONDS OR
2-37 OTHER OBLIGATIONS. (a) The district may not issue bonds or other
2-38 obligations under this subchapter unless the district has entered
2-39 into a contract with the city, Collin County, or another entity:

2-40 (1) for adequate supplemental police, fire,
2-41 emergency, and animal control services for the district; and

2-42 (2) that is approved by the Commissioners Court of
2-43 Collin County under Subsection (c).

2-44 (b) A contract under Subsection (a) may include a provision
2-45 that the contract takes effect only on the approval of the
2-46 Commissioners Court of Collin County and the voters in the district
2-47 voting in an election held for that purpose.

2-48 (c) The Commissioners Court of Collin County shall review a
2-49 contract under Subsection (a) and evaluate the supplemental police,
2-50 fire, emergency, and animal control services provided in the
2-51 contract. If the commissioners court determines that the contract
2-52 provides adequate services, the commissioners court shall adopt a
2-53 resolution stating that the contract has met the requirements of
2-54 Subsection (a).

2-55 SUBCHAPTER D. CITY PERMITTING AUTHORITY IN DISTRICT

2-56 Sec. 8093.0401. CITY AUTHORITY. (a) The city has
2-57 exclusive authority in the district to issue all building permits,
2-58 certificates of occupancy, and any certificate or permit issued by
2-59 the city relating to business activities.

2-60 (b) A fee for a permit or certificate issued by the city for
2-61 use in the district may not exceed the fees charged for the same
2-62 permit or certificate issued for use in the corporate limits of the
2-63 city.

2-64 (c) A permit or certificate issued by the city for use in the
2-65 district is subject to the terms of a development agreement made
2-66 under Section 212.172, Local Government Code.

2-67 SECTION 2. The Lakehaven Municipal Utility District retains
2-68 all the rights, powers, privileges, authority, duties, and
2-69 functions that it had before the effective date of this Act.

3-1 SECTION 3. (a) The legal notice of the intention to
3-2 introduce this Act, setting forth the general substance of this
3-3 Act, has been published as provided by law, and the notice and a
3-4 copy of this Act have been furnished to all persons, agencies,
3-5 officials, or entities to which they are required to be furnished
3-6 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-7 Government Code.

3-8 (b) The governor, one of the required recipients, has
3-9 submitted the notice and Act to the Texas Commission on
3-10 Environmental Quality.

3-11 (c) The Texas Commission on Environmental Quality has filed
3-12 its recommendations relating to this Act with the governor, the
3-13 lieutenant governor, and the speaker of the house of
3-14 representatives within the required time.

3-15 (d) All requirements of the constitution and laws of this
3-16 state and the rules and procedures of the legislature with respect
3-17 to the notice, introduction, and passage of this Act are fulfilled
3-18 and accomplished.

3-19 SECTION 4. This Act takes effect immediately if it receives
3-20 a vote of two-thirds of all the members elected to each house, as
3-21 provided by Section 39, Article III, Texas Constitution. If this
3-22 Act does not receive the vote necessary for immediate effect, this
3-23 Act takes effect September 1, 2019.

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