

1-1 By: Thompson of Brazoria (Senate Sponsor - Taylor) H.B. No. 4655
1-2 (In the Senate - Received from the House May 6, 2019;
1-3 May 6, 2019, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 17, 2019, reported favorably by
1-5 the following vote: Yeas 7, Nays 0; May 17, 2019, sent to
1-6 printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|------------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | Lucio | X | | |
| 1-10 | Schwertner | X | | |
| 1-11 | Alvarado | X | | |
| 1-12 | Campbell | X | | |
| 1-13 | Fallon | X | | |
| 1-14 | Menéndez | X | | |
| 1-15 | Nichols | X | | |

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the powers and duties of the Brazoria County Municipal
1-19 Utility District No. 43; providing authority to issue bonds;
1-20 providing authority to impose a tax.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 8059 to read as follows:

1-24 CHAPTER 8059. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8059.0101. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "District" means the Brazoria County Municipal
1-29 Utility District No. 43.

1-30 Sec. 8059.0102. NATURE AND PURPOSES OF DISTRICT. (a) The
1-31 district is a municipal utility district created under Section 59,
1-32 Article XVI, Texas Constitution.

1-33 (b) The district is created to accomplish the purposes of:

1-34 (1) a municipal utility district as provided by
1-35 general law and Section 59, Article XVI, Texas Constitution; and

1-36 (2) Section 52, Article III, Texas Constitution, that
1-37 relate to the construction, acquisition, improvement, operation,
1-38 or maintenance of macadamized, graveled, or paved roads, or
1-39 improvements, including storm drainage, in aid of those roads.

1-40 SUBCHAPTER B. POWERS AND DUTIES

1-41 Sec. 8059.0201. GENERAL POWERS AND DUTIES. The district
1-42 has the powers and duties necessary to accomplish the purposes for
1-43 which the district is created.

1-44 Sec. 8059.0202. MUNICIPAL UTILITY DISTRICT POWERS AND
1-45 DUTIES. The district has the powers and duties provided by the
1-46 general law of this state, including Chapters 49 and 54, Water Code,
1-47 applicable to municipal utility districts created under Section 59,
1-48 Article XVI, Texas Constitution.

1-49 Sec. 8059.0203. AUTHORITY FOR ROAD PROJECTS. Under Section
1-50 52, Article III, Texas Constitution, the district may design,
1-51 acquire, construct, finance, issue bonds for, improve, operate,
1-52 maintain, and convey to this state, a county, or a municipality for
1-53 operation and maintenance macadamized, graveled, or paved roads, or
1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8059.0204. ROAD STANDARDS AND REQUIREMENTS. (a) A
1-56 road project must meet all applicable construction standards,
1-57 zoning and subdivision requirements, and regulations of each
1-58 municipality in whose corporate limits or extraterritorial
1-59 jurisdiction the road project is located.

1-60 (b) If a road project is not located in the corporate limits
1-61 or extraterritorial jurisdiction of a municipality, the road

2-1 project must meet all applicable construction standards,
2-2 subdivision requirements, and regulations of each county in which
2-3 the road project is located.

2-4 (c) If the state will maintain and operate the road, the
2-5 Texas Transportation Commission must approve the plans and
2-6 specifications of the road project.

2-7 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2-8 Sec. 8059.0301. AUTHORITY TO ISSUE BONDS AND OTHER
2-9 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
2-10 other obligations payable wholly or partly from ad valorem taxes,
2-11 impact fees, revenue, contract payments, grants, or other district
2-12 money, or any combination of those sources, to pay for a road
2-13 project authorized by Section 8059.0203.

2-14 (b) The district may not issue bonds payable from ad valorem
2-15 taxes to finance a road project unless the issuance is approved by a
2-16 vote of a two-thirds majority of the district voters voting at an
2-17 election held for that purpose.

2-18 (c) At the time of issuance, the total principal amount of
2-19 bonds or other obligations issued or incurred to finance road
2-20 projects and payable from ad valorem taxes may not exceed
2-21 one-fourth of the assessed value of the real property in the
2-22 district.

2-23 Sec. 8059.0302. TAXES FOR BONDS. At the time the district
2-24 issues bonds payable wholly or partly from ad valorem taxes, the
2-25 board shall provide for the annual imposition of a continuing
2-26 direct ad valorem tax, without limit as to rate or amount, while all
2-27 or part of the bonds are outstanding as required and in the manner
2-28 provided by Sections 54.601 and 54.602, Water Code.

2-29 SECTION 2. The Brazoria County Municipal Utility District
2-30 No. 43 retains all the rights, powers, privileges, authority,
2-31 duties, and functions that it had before the effective date of this
2-32 Act.

2-33 SECTION 3. (a) The legislature validates and confirms all
2-34 governmental acts and proceedings of the Brazoria County Municipal
2-35 Utility District No. 43 that were taken before the effective date of
2-36 this Act.

2-37 (b) This section does not apply to any matter that on the
2-38 effective date of this Act:

2-39 (1) is involved in litigation if the litigation
2-40 ultimately results in the matter being held invalid by a final court
2-41 judgment; or

2-42 (2) has been held invalid by a final court judgment.

2-43 SECTION 4. (a) The legal notice of the intention to
2-44 introduce this Act, setting forth the general substance of this
2-45 Act, has been published as provided by law, and the notice and a
2-46 copy of this Act have been furnished to all persons, agencies,
2-47 officials, or entities to which they are required to be furnished
2-48 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-49 Government Code.

2-50 (b) The governor, one of the required recipients, has
2-51 submitted the notice and Act to the Texas Commission on
2-52 Environmental Quality.

2-53 (c) The Texas Commission on Environmental Quality has filed
2-54 its recommendations relating to this Act with the governor, the
2-55 lieutenant governor, and the speaker of the house of
2-56 representatives within the required time.

2-57 (d) All requirements of the constitution and laws of this
2-58 state and the rules and procedures of the legislature with respect
2-59 to the notice, introduction, and passage of this Act are fulfilled
2-60 and accomplished.

2-61 SECTION 5. This Act takes effect immediately if it receives
2-62 a vote of two-thirds of all the members elected to each house, as
2-63 provided by Section 39, Article III, Texas Constitution. If this
2-64 Act does not receive the vote necessary for immediate effect, this
2-65 Act takes effect September 1, 2019.

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