

By: Bettencourt

S.B. No. 2053

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Pine Forest Municipal Utility District; providing authority to issue bonds and impose a tax.

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

SECTION 1. Chapter 427, Acts of the 62nd Legislature, Regular Session, 1971, is amended by amending Sections 1 and 5 and adding Sections 1-a, 5-a, 5-b, 5-c, 5-d, 10, and 11 to read as follows:

Sec. 1. DEFINITIONS. In this Act:

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

(2) "District" means the Pine Forest Municipal Utility District.

Sec. 1-a. NATURE AND PURPOSES OF DISTRICT. (a) The district is a municipal utility district in Harris County 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.

~~[Notwithstanding provisions of the general laws relating to consent~~

~~by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established under and pursuant to the provisions of Article XVI, Section 59 of the Constitution of Texas, a conservation and reclamation district in Harris County, Texas, to be known as "Pine Forest Municipal Utility District," hereinafter called the "district," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the district is hereby declared to be essential to the accomplishment of the purposes of Article XVI, Section 59 of the Constitution of Texas.]~~

Sec. 5. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 5-a. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES.
The district has ~~[is hereby vested with, and shall have and exercise, all of]~~ the ~~[rights,]~~ powers~~[, privileges, authority]~~ and duties provided ~~[functions conferred]~~ by the general law ~~[laws]~~ of this state ~~[applicable to municipal utility districts]~~, including Chapters 49 and ~~[without limitation those conferred by Chapter]~~ 54, ~~[Title 4,]~~ Water Code, ~~[but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws]~~ applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution ~~[not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act].~~

1 Sec. 5-b. AUTHORITY FOR ROAD PROJECTS. Under Section 52,
2 Article III, Texas Constitution, the district may design, acquire,
3 construct, finance, issue bonds for, improve, operate, maintain,
4 and convey to this state, a county, or a municipality for operation
5 and maintenance macadamized, graveled, or paved roads, or
6 improvements, including storm drainage, in aid of those roads.

7 Sec. 5-c. ROAD STANDARDS AND REQUIREMENTS. (a) A road
8 project must meet all applicable construction standards, zoning and
9 subdivision requirements, and regulations of each municipality in
10 whose corporate limits or extraterritorial jurisdiction the road
11 project is located.

12 (b) If a road project is not located in the corporate limits
13 or extraterritorial jurisdiction of a municipality, the road
14 project must meet all applicable construction standards,
15 subdivision requirements, and regulations of each county in which
16 the road project is located.

17 (c) If the state will maintain and operate the road, the
18 Texas Transportation Commission must approve the plans and
19 specifications of the road project.

20 Sec. 5-d. APPROVAL OF ROAD PROJECT. (a) The district may
21 not undertake a road project authorized by Section 5-b of this Act
22 unless:

23 (1) each municipality or county that will operate and
24 maintain the road has approved the plans and specifications of the
25 road project, if a municipality or county will operate and maintain
26 the road; or

27 (2) the Texas Transportation Commission has approved

1 the plans and specifications of the road project, if the state will
2 operate and maintain the road.

3 (b) Except as provided by Subsection (a) of this section,
4 the district is not required to obtain approval from the Texas
5 Transportation Commission to design, acquire, construct, finance,
6 issue bonds for, improve, or convey a road project.

7 Sec. 10. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS FOR
8 ROAD PROJECTS. (a) The district may issue bonds or other
9 obligations payable wholly or partly from ad valorem taxes,
10 revenue, contract payments, grants, or other district money, or any
11 combination of those sources, to pay for a road project authorized
12 by Section 5-b.

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

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

22 Sec. 11. TAXES FOR BONDS. At the time the district issues
23 bonds payable wholly or partly from ad valorem taxes, the board
24 shall provide for the annual imposition of a continuing direct ad
25 valorem tax, without limit as to rate or amount, while all or part
26 of the bonds are outstanding.

27 SECTION 2. Sections 6, 7, 8, and 9, Chapter 427, Acts of the

1 62nd Legislature, Regular Session, 1971, are repealed.

2 SECTION 3. The Pine Forest Municipal Utility District
3 retains all the rights, powers, privileges, authority, duties, and
4 functions that it had before the effective date of this Act.

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

12 (b) The governor, one of the required recipients, has
13 submitted the notice and Act to the Texas Commission on
14 Environmental Quality.

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

19 (d) All requirements of the constitution and laws of this
20 state and the rules and procedures of the legislature with respect
21 to the notice, introduction, and passage of this Act are fulfilled
22 and accomplished.

23 SECTION 5. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2015.