

AN ACT

relating to the powers and duties of the Harris County Municipal Utility District No. 403; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 8352 to read as follows:

CHAPTER 8352. HARRIS COUNTY MUNICIPAL

UTILITY DISTRICT NO. 403

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8352.001. DEFINITION. In this chapter, "district" means the Harris County Municipal Utility District No. 403.

[Sections 8352.002-8352.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8352.051. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8352.052. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or

1 improvements, including storm drainage, in aid of those roads.

2 Sec. 8352.053. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
3 project must meet all applicable construction standards, zoning and  
4 subdivision requirements, and regulations of each municipality in  
5 whose corporate limits or extraterritorial jurisdiction the road  
6 project is located.

7 (b) If a road project is not located in the corporate limits  
8 or extraterritorial jurisdiction of a municipality, the road  
9 project must meet all applicable construction standards,  
10 subdivision requirements, and regulations of each county in which  
11 the road project is located.

12 (c) If the state will maintain and operate the road, the  
13 Texas Transportation Commission must approve the plans and  
14 specifications of the road project.

15 Sec. 8352.054. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
16 OR RESOLUTION. The district shall comply with all applicable  
17 requirements of an ordinance or resolution that is adopted under  
18 Section 54.016 or 54.0165, Water Code, and that consents to the  
19 creation of the district or to the inclusion of land in the  
20 district.

21 Sec. 8352.055. LIMITATION ON USE OF EMINENT DOMAIN. The  
22 district may not exercise the power of eminent domain outside the  
23 district to acquire a site or easement for:

- 24 (1) a road project authorized by Section 8352.052; or  
25 (2) a recreational facility as defined by Section  
26 49.462, Water Code.

27 [Sections 8352.056-8352.100 reserved for expansion]

1           SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

2           Sec. 8352.101. TAX TO REPAY BONDS. The district may impose  
3 a tax to pay the principal of or interest on bonds issued under  
4 Section 8352.151.

5           [Sections 8352.102-8352.150 reserved for expansion]

6           SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

7           Sec. 8352.151. AUTHORITY TO ISSUE BONDS AND OTHER  
8 OBLIGATIONS. The district may issue bonds or other obligations  
9 payable wholly or partly from ad valorem taxes, impact fees,  
10 revenue, contract payments, grants, or other district money, or any  
11 combination of those sources, to pay for any authorized district  
12 purpose.

13          Sec. 8352.152. TAXES FOR BONDS. At the time the district  
14 issues bonds payable wholly or partly from ad valorem taxes, the  
15 district shall provide for the annual imposition of a continuing  
16 direct ad valorem tax, without limit as to rate or amount, while all  
17 or part of the bonds are outstanding as required and in the manner  
18 provided by Sections 54.601 and 54.602, Water Code.

19          Sec. 8352.153. BONDS FOR ROAD PROJECTS. (a) The district  
20 may not issue bonds payable from ad valorem taxes to finance a road  
21 project unless the issuance is approved by a vote of a two-thirds  
22 majority of the district voters voting at an election held for that  
23 purpose.

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

1 district.

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

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

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

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

20           SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2009.

David Dewhurst

President of the Senate

Jon Strom

Speaker of the House

I certify that H.B. No. 2102 was passed by the House on April 9, 2009, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

Robert Hamey

Chief Clerk of the House

I certify that H.B. No. 2102 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Datsy Graw

Secretary of the Senate

APPROVED: 19 JUN '09

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

2PM O'CLOCK

JUN 19 2009

Colby Hunter III