

1-1 By: Stephenson (Senate Sponsor - Huffman) H.B. No. 4141
 1-2 (In the Senate - Received from the House May 13, 2015;
 1-3 May 13, 2015, read first time and referred to Committee on
 1-4 Administration; May 14, 2015, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 14, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Uresti	X			
1-9 Campbell	X			
1-10 Eltife			X	
1-11 Huffines	X			
1-12 Schwertner	X			
1-13 West	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the Fort Bend County Municipal Utility
 1-18 District No. 191; granting a limited power of eminent domain;
 1-19 providing authority to issue bonds; providing authority to impose
 1-20 assessments, fees, and taxes.

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 7914 to read as follows:

1-24 CHAPTER 7914. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 191
 1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7914.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.
 1-28 (2) "Commission" means the Texas Commission on
 1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Fort Bend County Municipal
 1-32 Utility District No. 191.

1-33 Sec. 7914.002. NATURE OF DISTRICT. The district is a
 1-34 municipal utility district created under Section 59, Article XVI,
 1-35 Texas Constitution.

1-36 Sec. 7914.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-37 REQUIRED. The temporary directors shall hold an election to
 1-38 confirm the creation of the district and to elect five permanent
 1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 7914.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section 7914.003
 1-42 until each municipality in whose corporate limits or
 1-43 extraterritorial jurisdiction the district is located has
 1-44 consented by ordinance or resolution to the creation of the
 1-45 district and to the inclusion of land in the district.

1-46 Sec. 7914.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
 1-47 The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
 1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
 1-52 relate to the construction, acquisition, improvement, operation,
 1-53 or maintenance of macadamized, graveled, or paved roads, or
 1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 7914.006. INITIAL DISTRICT TERRITORY. (a) The
 1-56 district is initially composed of the territory described by
 1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
 1-59 the Act enacting this chapter form a closure. A mistake made in the
 1-60 field notes or in copying the field notes in the legislative process
 1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 7914.051. GOVERNING BODY; TERMS. (a) The district is

2-9 governed by a board of five elected directors.

2-10 (b) Except as provided by Section 7914.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 7914.052. TEMPORARY DIRECTORS. (a) On or after the

2-13 effective date of the Act enacting this chapter, the owner or owners

2-14 of a majority of the assessed value of the real property in the

2-15 district may submit a petition to the commission requesting that

2-16 the commission appoint as temporary directors the five persons

2-17 named in the petition. The commission shall appoint as temporary

2-18 directors the five persons named in the petition.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 7914.003; or

2-22 (2) the fourth anniversary of the effective date of

2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under

2-25 Section 7914.003 and the terms of the temporary directors have

2-26 expired, successor temporary directors shall be appointed or

2-27 reappointed as provided by Subsection (d) to serve terms that

2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under

2-30 Section 7914.003; or

2-31 (2) the fourth anniversary of the date of the

2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a

2-34 majority of the assessed value of the real property in the district

2-35 may submit a petition to the commission requesting that the

2-36 commission appoint as successor temporary directors the five

2-37 persons named in the petition. The commission shall appoint as

2-38 successor temporary directors the five persons named in the

2-39 petition.

2-40 SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 7914.101. GENERAL POWERS AND DUTIES. The district has

2-42 the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 7914.102. MUNICIPAL UTILITY DISTRICT POWERS AND

2-45 DUTIES. The district has the powers and duties provided by the

2-46 general law of this state, including Chapters 49 and 54, Water Code,

2-47 applicable to municipal utility districts created under Section 59,

2-48 Article XVI, Texas Constitution.

2-49 Sec. 7914.103. AUTHORITY FOR ROAD PROJECTS. Under Section

2-50 52, Article III, Texas Constitution, the district may design,

2-51 acquire, construct, finance, issue bonds for, improve, operate,

2-52 maintain, and convey to this state, a county, or a municipality for

2-53 operation and maintenance macadamized, graveled, or paved roads, or

2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 7914.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road

2-56 project must meet all applicable construction standards, zoning and

2-57 subdivision requirements, and regulations of each municipality in

2-58 whose corporate limits or extraterritorial jurisdiction the road

2-59 project is located.

2-60 (b) If a road project is not located in the corporate limits

2-61 or extraterritorial jurisdiction of a municipality, the road

2-62 project must meet all applicable construction standards,

2-63 subdivision requirements, and regulations of each county in which

2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the

2-66 Texas Transportation Commission must approve the plans and

2-67 specifications of the road project.

2-68 Sec. 7914.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

2-69 OR RESOLUTION. The district shall comply with all applicable

3-1 requirements of any ordinance or resolution that is adopted under
3-2 Section 54.016 or 54.0165, Water Code, and that consents to the
3-3 creation of the district or to the inclusion of land in the
3-4 district.

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 7914.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3-7 district may issue, without an election, bonds and other
3-8 obligations secured by:

- 3-9 (1) revenue other than ad valorem taxes; or
- 3-10 (2) contract payments described by Section 7914.153.

3-11 (b) The district must hold an election in the manner
3-12 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-13 before the district may impose an ad valorem tax or issue bonds
3-14 payable from ad valorem taxes.

3-15 (c) The district may not issue bonds payable from ad valorem
3-16 taxes to finance a road project unless the issuance is approved by a
3-17 vote of a two-thirds majority of the district voters voting at an
3-18 election held for that purpose.

3-19 Sec. 7914.152. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 7914.151, the district
3-21 may impose an operation and maintenance tax on taxable property in
3-22 the district in accordance with Section 49.107, Water Code.

3-23 (b) The board shall determine the tax rate. The rate may not
3-24 exceed the rate approved at the election.

3-25 Sec. 7914.153. CONTRACT TAXES. (a) In accordance with
3-26 Section 49.108, Water Code, the district may impose a tax other than
3-27 an operation and maintenance tax and use the revenue derived from
3-28 the tax to make payments under a contract after the provisions of
3-29 the contract have been approved by a majority of the district voters
3-30 voting at an election held for that purpose.

3-31 (b) A contract approved by the district voters may contain a
3-32 provision stating that the contract may be modified or amended by
3-33 the board without further voter approval.

3-34 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-35 Sec. 7914.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-36 OBLIGATIONS. The district may issue bonds or other obligations
3-37 payable wholly or partly from ad valorem taxes, impact fees,
3-38 revenue, contract payments, grants, or other district money, or any
3-39 combination of those sources, to pay for any authorized district
3-40 purpose.

3-41 Sec. 7914.202. TAXES FOR BONDS. At the time the district
3-42 issues bonds payable wholly or partly from ad valorem taxes, the
3-43 board shall provide for the annual imposition of a continuing
3-44 direct ad valorem tax, without limit as to rate or amount, while all
3-45 or part of the bonds are outstanding as required and in the manner
3-46 provided by Sections 54.601 and 54.602, Water Code.

3-47 Sec. 7914.203. BONDS FOR ROAD PROJECTS. At the time of
3-48 issuance, the total principal amount of bonds or other obligations
3-49 issued or incurred to finance road projects and payable from ad
3-50 valorem taxes may not exceed one-fourth of the assessed value of the
3-51 real property in the district.

3-52 SECTION 2. The Fort Bend County Municipal Utility District
3-53 No. 191 initially includes all the territory contained in the
3-54 following area:

3-55 BEING A 505.0088 ACRE TRACT OF LAND, SITUATED IN THE WILLIAM
3-56 PETTUS SURVEY, A-68, FORT BEND COUNTY, TEXAS, BEING PART OF THE DMD
3-57 INTERESTS CALLED 370.94 ACRE TRACT AS DESCRIBED IN DEED RECORDED IN
3-58 FORT BEND COUNTY CLERKS FILE NO. 9808907, AND A PORTION OF THE
3-59 MILDRED ELLIS CALLED 128.736 ACRE TRACT AS DESCRIBED IN DEED
3-60 RECORDED IN FORT BEND COUNTY CLERKS FILE NO. 1972325075; SAID
3-61 505.0088 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
3-62 BOUNDS AS FOLLOWS;

3-63 BEGINNING AT A 5/8 INCH IRON ROD SET, BEING THE SOUTHEAST
3-64 CORNER OF SAID 491.55 ACRE TRACT, BEING IN THE WEST RIGHT-OF-WAY
3-65 LINE OF A MISSOURI-PACIFIC RAIROAD TRACT (ABANDONED 100 FOOT
3-66 RIGHT-OF-WAY) AND THE NORTH LINE OF A CALLED 116.07 ACRE TRACT
3-67 DESCRIBED IN DEED RECORDED IN FORT BEND COUNTY CLERKS FILE NO.
3-68 2007085339;

3-69 THENCE NORTH 88 DEGREES 56 MINUTES 48 SECONDS WEST, ALONG THE

4-1 SOUTH LINE OF SAID 491.55 ACRE TRACT, A DISTANCE OF 7232.89 FEET TO
 4-2 A FOUND CONCRETE MONUMENT FOR AN INTERIOR CORNER IN THE NORTH LINE
 4-3 OF SAID 116.07 ACRE TRACT AND A WEST LINE OF SAID 370.94 ACRE TRACT
 4-4 FOR THE MOST SOUTHERLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED
 4-5 TRACT;

4-6 THENCE NORTH 00 DEGREES 22 MINUTES 23 SECONDS EAST, ALONG THE
 4-7 EAST LINE OF SAID 116.07 ACRE TRACT, THE EAST LINE OF A CALLED
 4-8 305.661 ACRE TRACT DESCRIBED IN DEED RECORDED IN FORT BEND COUNTY
 4-9 CLERKS FILE NO. 2005117863, SAME BEING A WEST LINE OF SAID 370.94
 4-10 ACRE TRACT, A DISTANCE OF 467.75 FEET TO A SET 5/8 INCH IRON ROD FOR
 4-11 THE MOST EASTERLY NORTHEAST CORNER OF SAID 305.661 ACRE TRACT AND AN
 4-12 INTERIOR CORNER OF SAID 370.94 ACRE TRACT AND THE HEREIN DESCRIBED
 4-13 TRACT;

4-14 THENCE NORTH 71 DEGREES 51 MINUTES 25 SECONDS WEST, ALONG THE
 4-15 COMMON LINE OF SAID 305.661 ACRE AND 370.94 ACRE TRACTS, A DISTANCE
 4-16 OF 23.00 FEET TO A SET 5/8 INCH IRON ROD FOR AN INTERIOR CORNER OF
 4-17 THE HEREIN DESCRIBED TRACT;

4-18 THENCE SOUTH 87 DEGREES 06 MINUTES 22 SECONDS WEST,
 4-19 CONTINUING ALONG THE COMMON LINE OF SAID 305.661 ACRE AND 370.94
 4-20 ACRE TRACTS, A DISTANCE OF 2955.55 FEET TO A FOUND CONCRETE MONUMENT
 4-21 FOR AN INTERIOR CORNER OF SAID 305.661 ACRE TRACT AND THE MOST
 4-22 WESTERLY SOUTHWEST CORNER OF THE SAID 370.94 ACRE TRACT AND THE
 4-23 HEREIN DESCRIBED TRACT;

4-24 THENCE NORTH 03 DEGREES 12 MINUTES 38 SECONDS WEST,
 4-25 CONTINUING ALONG THE COMMON LINE OF SAID 305.661 ACRE AND 370.94
 4-26 ACRE TRACTS AND ALONG THE EAST LINE OF A CALLED 58.866 ACRE TRACT
 4-27 DESCRIBED IN DEED RECORDED IN FORT BEND COUNTY CLERKS FILE NO.
 4-28 1972325075, A DISTANCE OF 1755.62 FEET TO A 2 INCH IRON PIPE FOUND
 4-29 IN THE SOUTH LINE OF THE SIENNA PLANTATION LEVEE IMPROVEMENT
 4-30 DISTRICT TRACT DESCRIBED IN FORT BEND COUNTY CLERKS FILE NO.
 4-31 9741281 AND BEING FOR THE NORTHEAST CORNER OF SAID 305.661 ACRE
 4-32 TRACT, SAME BEING THE NORTHWEST CORNER OF SAID 58.866 ACRE TRACT AND
 4-33 THE HEREIN DESCRIBED TRACT;

4-34 THENCE NORTH 87 DEGREES 05 MINUTES 42 SECONDS EAST, ALONG THE
 4-35 SOUTH LINE OF SAID SIENNA PLANTATION LEVEE IMPROVEMENT DISTRICT
 4-36 TRACT, SAME BEING THE NORTH LINE OF SAID 58.866 ACRE TRACT, A
 4-37 DISTANCE OF 2691.85 FEET TO A FOUND 1 & 1/4 INCH IRON PIPE FOUND IN
 4-38 THE WEST LINE OF UNION PACIFIC RAILROAD TRACT (ABANDONED 100 FOOT
 4-39 RIGHT-OF-WAY) FOR AN ANGLE POINT IN THE NORTH LINE OF THE HEREIN
 4-40 DESCRIBED TRACT;

4-41 THENCE NORTH 87 DEGREES 21 MINUTES 55 SECONDS EAST, ALONG THE
 4-42 SOUTH LINE OF RESERVE "F", SIENNA POINT, SECTION 3, ACCORDING TO THE
 4-43 PLAT THEREOF RECORDED IN SLIDE NO. 1795B OF THE FORT BEND COUNTY
 4-44 PLAT RECORDS, A DISTANCE OF 106.00 FEET TO A FOUND 1 & 1/4 INCH IRON
 4-45 PIPE FOR AN ANGLE POINT IN THE NORTH LINE OF THE HEREIN DESCRIBED
 4-46 TRACT;

4-47 THENCE NORTH 87 DEGREES 09 MINUTES 44 SECONDS EAST,
 4-48 CONTINUING ALONG THE SOUTH LINE OF SAID RESERVE "F", SIENNA POINT,
 4-49 SECTION 3, RESERVE "A", SIENNA POINT, SECTION 2, ACCORDING TO THE
 4-50 PLAT THEREOF RECORDED IN SLIDE NO. 1682B OF THE FORT BEND COUNTY
 4-51 PLAT RECORDS AND RESERVE "C", SIENNA POINT, SECTION 1, ACCORDING TO
 4-52 THE PLAT THEREOF RECORDED IN SLIDE NO. 1528B OF THE FORT BEND COUNTY
 4-53 PLAT RECORDS, SAME BEING THE NORTH LINE OF SAID 128.736 ACRE TRACT,
 4-54 A DISTANCE OF 6596.86 FEET TO A SET 5/8 INCH IRON ROD FOR THE
 4-55 NORTHEAST CORNER OF SAID 128.736 ACRE TRACT AND THE MOST NORTHERLY
 4-56 NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

4-57 THENCE SOUTH 02 DEGREES 33 MINUTES 12 SECONDS WEST, ALONG A
 4-58 PORTION OF THE EAST LINE OF SAID 128.736 ACRE TRACT, THE WEST LINE
 4-59 OF A CALLED 15 ACRE TRACT DESCRIBED IN FORT BEND COUNTY CLERKS FILE
 4-60 NO. 2007142863, A DISTANCE OF 640.60 FEET TO A SET 5/8 INCH IRON ROD
 4-61 THE NORTHEAST CORNER OF A CALLED 0.674 ACRE TRACT DESCRIBED IN DEED
 4-62 RECORDED IN VOLUME 1571, PAGE 606 OF THE DEED RECORDS OF FORT BEND
 4-63 COUNTY FOR AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

4-64 THENCE SOUTH 86 DEGREES 47 MINUTES 58 SECONDS WEST, ALONG THE
 4-65 NORTH LINE OF SAID 0.674 ACRE TRACT, A DISTANCE OF 18.82 FEET TO A
 4-66 SET 5/8 INCH IRON ROD FOR THE NORTHWEST CORNER OF SAID 0.674 ACRE
 4-67 TRACT AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

4-68 THENCE SOUTH 00 DEGREES 50 MINUTES 09 SECONDS WEST, ALONG THE
 4-69 WEST LINE OF SAID 0.674 ACRE TRACT, A DISTANCE OF 431.96 FEET TO A

5-1 SET 5/8 INCH IRON ROD FOR THE SOUTHWEST CORNER OF SAID 0.674 ACRE
5-2 TRACT AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

5-3 THENCE NORTH 86 DEGREES 11 MINUTES 13 SECONDS EAST, ALONG THE
5-4 SOUTH LINE OF SAID 0.674 ACRE TRACT, A DISTANCE OF 1049.50 FEET TO A
5-5 SET 5/8 INCH IRON ROD FOR THE SOUTHEAST CORNER OF SAID 0.674 ACRE
5-6 TRACT, BEING IN THE WEST LINE OF SAID MISSOURI-PACIFIC RAILROAD
5-7 TRACT AND BEING THE MOST EASTERLY NORTHEAST CORNER OF THE HEREIN
5-8 DESCRIBED TRACT;

5-9 THENCE SOUTH 02 DEGREES 35 MINUTES 40 SECONDS WEST, ALONG THE
5-10 WEST LINE OF SAID MISSOURI-PACIFIC RAILROAD TRACT, A DISTANCE OF
5-11 1680.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 505.0088
5-12 ACRES (21,998,182 SQUARE FEET) OF LAND, MORE OR LESS.

5-13 SECTION 3. (a) The legal notice of the intention to
5-14 introduce this Act, setting forth the general substance of this
5-15 Act, has been published as provided by law, and the notice and a
5-16 copy of this Act have been furnished to all persons, agencies,
5-17 officials, or entities to which they are required to be furnished
5-18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-19 Government Code.

5-20 (b) The governor, one of the required recipients, has
5-21 submitted the notice and Act to the Texas Commission on
5-22 Environmental Quality.

5-23 (c) The Texas Commission on Environmental Quality has filed
5-24 its recommendations relating to this Act with the governor, the
5-25 lieutenant governor, and the speaker of the house of
5-26 representatives within the required time.

5-27 (d) All requirements of the constitution and laws of this
5-28 state and the rules and procedures of the legislature with respect
5-29 to the notice, introduction, and passage of this Act are fulfilled
5-30 and accomplished.

5-31 SECTION 4. (a) If this Act does not receive a two-thirds
5-32 vote of all the members elected to each house, Subchapter C, Chapter
5-33 7914, Special District Local Laws Code, as added by Section 1 of
5-34 this Act, is amended by adding Section 7914.106 to read as follows:

5-35 Sec. 7914.106. NO EMINENT DOMAIN POWER. The district may
5-36 not exercise the power of eminent domain.

5-37 (b) This section is not intended to be an expression of a
5-38 legislative interpretation of the requirements of Section 17(c),
5-39 Article I, Texas Constitution.

5-40 SECTION 5. This Act takes effect immediately if it receives
5-41 a vote of two-thirds of all the members elected to each house, as
5-42 provided by Section 39, Article III, Texas Constitution. If this
5-43 Act does not receive the vote necessary for immediate effect, this
5-44 Act takes effect September 1, 2015.

5-45 * * * * *