

1-1 By: Zerwas (Senate Sponsor - Kolthorst) H.B. No. 3020
1-2 (In the Senate - Received from the House April 15, 2019;
1-3 April 16, 2019, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 6, 2019, reported favorably by
1-5 the following vote: Yeas 7, Nays 0; May 6, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	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. 238; 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 8072 to read as follows:

1-24 CHAPTER 8072. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 238

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8072.0101. 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. 238.

1-33 Sec. 8072.0102. 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. 8072.0103. CONFIRMATION AND DIRECTOR 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. 8072.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section
1-42 8072.0103 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. 8072.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) 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. 8072.0106. 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.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8072.0201. GOVERNING BODY; TERMS. (a) The district
 2-9 is governed by a board of five elected directors.

2-10 (b) Except as provided by Section 8072.0202, directors
 2-11 serve staggered four-year terms.

2-12 Sec. 8072.0202. 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 8072.0103; 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 8072.0103 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 8072.0103; 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.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8072.0301. GENERAL POWERS AND DUTIES. The district
 2-42 has the powers and duties necessary to accomplish the purposes for
 2-43 which the district is created.

2-44 Sec. 8072.0302. 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. 8072.0303. 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. 8072.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-56 road project must meet all applicable construction standards,
 2-57 zoning and subdivision requirements, and regulations of each
 2-58 municipality in whose corporate limits or extraterritorial
 2-59 jurisdiction the road 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. 8072.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 2-69 ORDINANCE OR RESOLUTION. The district shall comply with all

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

3-5 Sec. 8072.0306. DIVISION OF DISTRICT. (a) The district
 3-6 may be divided into two or more new districts only if the district:

3-7 (1) has no outstanding bonded debt; and

3-8 (2) is not imposing ad valorem taxes.

3-9 (b) This chapter applies to any new district created by the
 3-10 division of the district, and a new district has all the powers and
 3-11 duties of the district.

3-12 (c) Any new district created by the division of the district
 3-13 may not, at the time the new district is created, contain any land
 3-14 outside the area described by Section 2 of the Act enacting this
 3-15 chapter.

3-16 (d) The board, on its own motion or on receipt of a petition
 3-17 signed by the owner or owners of a majority of the assessed value of
 3-18 the real property in the district, may adopt an order dividing the
 3-19 district.

3-20 (e) The board may adopt an order dividing the district
 3-21 before or after the date the board holds an election under Section
 3-22 8072.0103 to confirm the creation of the district.

3-23 (f) An order dividing the district shall:

3-24 (1) name each new district;

3-25 (2) include the metes and bounds description of the
 3-26 territory of each new district;

3-27 (3) appoint temporary directors for each new district;

3-28 and

3-29 (4) provide for the division of assets and liabilities
 3-30 between or among the new districts.

3-31 (g) On or before the 30th day after the date of adoption of
 3-32 an order dividing the district, the district shall file the order
 3-33 with the commission and record the order in the real property
 3-34 records of each county in which the district is located.

3-35 (h) Any new district created by the division of the district
 3-36 shall hold a confirmation and directors' election as required by
 3-37 Section 8072.0103.

3-38 (i) Municipal consent to the creation of the district and to
 3-39 the inclusion of land in the district granted under Section
 3-40 8072.0104 acts as municipal consent to the creation of any new
 3-41 district created by the division of the district and to the
 3-42 inclusion of land in the new district.

3-43 (j) Any new district created by the division of the district
 3-44 must hold an election as required by this chapter to obtain voter
 3-45 approval before the district may impose a maintenance tax or issue
 3-46 bonds payable wholly or partly from ad valorem taxes.

3-47 (k) If the creation of the new district is confirmed, the
 3-48 new district shall provide the election date and results to the
 3-49 commission.

3-50 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-51 Sec. 8072.0401. ELECTIONS REGARDING TAXES OR BONDS.

3-52 (a) The district may issue, without an election, bonds and other
 3-53 obligations secured by:

3-54 (1) revenue other than ad valorem taxes; or

3-55 (2) contract payments described by Section 8072.0403.

3-56 (b) The district must hold an election in the manner
 3-57 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-58 before the district may impose an ad valorem tax or issue bonds
 3-59 payable from ad valorem taxes.

3-60 (c) The district may not issue bonds payable from ad valorem
 3-61 taxes to finance a road project unless the issuance is approved by a
 3-62 vote of a two-thirds majority of the district voters voting at an
 3-63 election held for that purpose.

3-64 Sec. 8072.0402. OPERATION AND MAINTENANCE TAX. (a) If
 3-65 authorized at an election held under Section 8072.0401, the
 3-66 district may impose an operation and maintenance tax on taxable
 3-67 property in the district in accordance with Section 49.107, Water
 3-68 Code.

3-69 (b) The board shall determine the tax rate. The rate may not

4-1 exceed the rate approved at the election.

4-2 Sec. 8072.0403. CONTRACT TAXES. (a) In accordance with
 4-3 Section 49.108, Water Code, the district may impose a tax other than
 4-4 an operation and maintenance tax and use the revenue derived from
 4-5 the tax to make payments under a contract after the provisions of
 4-6 the contract have been approved by a majority of the district voters
 4-7 voting at an election held for that purpose.

4-8 (b) A contract approved by the district voters may contain a
 4-9 provision stating that the contract may be modified or amended by
 4-10 the board without further voter approval.

4-11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-12 Sec. 8072.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 4-13 OBLIGATIONS. The district may issue bonds or other obligations
 4-14 payable wholly or partly from ad valorem taxes, impact fees,
 4-15 revenue, contract payments, grants, or other district money, or any
 4-16 combination of those sources, to pay for any authorized district
 4-17 purpose.

4-18 Sec. 8072.0502. TAXES FOR BONDS. At the time the district
 4-19 issues bonds payable wholly or partly from ad valorem taxes, the
 4-20 board shall provide for the annual imposition of a continuing
 4-21 direct ad valorem tax, without limit as to rate or amount, while all
 4-22 or part of the bonds are outstanding as required and in the manner
 4-23 provided by Sections 54.601 and 54.602, Water Code.

4-24 Sec. 8072.0503. BONDS FOR ROAD PROJECTS. At the time of
 4-25 issuance, the total principal amount of bonds or other obligations
 4-26 issued or incurred to finance road projects and payable from ad
 4-27 valorem taxes may not exceed one-fourth of the assessed value of the
 4-28 real property in the district.

4-29 SECTION 2. The Fort Bend County Municipal Utility District
 4-30 No. 238 initially includes all the territory contained in the
 4-31 following area:

4-32 Tract 1:

4-33 A Field Note Description of 465 Acres of Land, more or less,
 4-34 being in the B.B.B. & C. Railroad Company Survey, Abstract No. 134;
 4-35 Yandell Ferris Survey, Abstract No. 372; Griffin Wilgus Survey,
 4-36 Abstract No. 381 and Griffin Wilgus Survey, Abstract No. 382; Fort
 4-37 Bend County, Texas.

4-38 Beginning at the Southeast corner of said Yandell Ferris
 4-39 Survey, Abstract No. 372; said corner being in the North line of the
 4-40 Yandell Ferris Survey Abstract No. 374 and being the Southwest
 4-41 corner of the B.B.B. & C. Railroad Company Survey, Abstract No. 134
 4-42 and being at the intersection of Robinowitz No. 1 Road and Randon
 4-43 Dyer Road; said corner marking the Southerly Southeast corner of
 4-44 and place of beginning of this tract;

4-45 THENCE, South 84deg. West, 3799 feet, more or less, along the
 4-46 South line of said Yandell Ferris Survey, Abstract No. 372 and
 4-47 North line of said Yandell Ferris Survey, Abstract No. 374 to a
 4-48 point in the City of Rosenberg Extra-Territorial Jurisdiction Line
 4-49 and marking the Southerly Southwest corner of this tract;

4-50 THENCE, North 00deg.30' East, 1424 feet, more or less, along
 4-51 said City of Rosenberg Extra-Territorial Jurisdiction Line to a
 4-52 point for corner on the City of Rosenberg Extra-Territorial
 4-53 Jurisdiction 5280 foot Radius Line for corner;

4-54 THENCE, North 57deg.West (Chord Bearing), 1156 feet, more or
 4-55 less, along said City of Rosenberg Extra-Territorial Jurisdiction
 4-56 5280 foot Radius curve to the right to a point in the Westerly line
 4-57 of said Yandell Ferris Survey, Abstract No. 372 and East line of the
 4-58 Yandell Ferris Survey, Abstract No. 373 for the Northerly
 4-59 Southwest corner of this tract;

4-60 THENCE, North 00deg.30' West, 1160 feet, more or less, along
 4-61 said West line of the said Yandell Ferris Survey, Abstract No. 372
 4-62 and East line of said Yandell Ferris Survey, Abstract No. 373 and
 4-63 also in the East Line of the B.B.B. & C. Railroad Company Survey
 4-64 No. 21, Abstract No. 136 to the Southwest corner of the said
 4-65 Griffin Wilgus Survey, Abstract No. 381 and marking the Westerly
 4-66 Northwest corner for this tract;

4-67 THENCE, South 89deg. East, 2047 feet, more or less, along a
 4-68 North line of said Yandell Ferris Survey, Abstract No. 372 and
 4-69 South line of said Griffin Wilgus Survey, Abstract No. 381 to a

5-1 point marking the Southwest corner of the Ivy Moore Morrison Heirs,
5-2 Ltd. call 17.878 Acre Tract and a re-entrant corner of this tract;
5-3 THENCE, North, 2325.5 feet, more or less, along the West line
5-4 of said Ivy Moore Morrison Heirs, Ltd. 17.878 Acre Tract to a point
5-5 in the City of Rosenberg Annex #58-116.91 Acres dated 07/08/1997
5-6 marking the Northerly Northwest corner for this tract;
5-7 THENCE, South 71deg. East, 1536.9 feet, more or less, along
5-8 the City of Rosenberg City Limits Line to an angle point;
5-9 THENCE, Continuing South 74deg. East. 1251 feet, more or
5-10 less, along said City of Rosenberg City Limits Line to a point in
5-11 the East line of said Griffin Wilgus Survey, Abstract No. 382 and
5-12 the center of said Randon Dyer Road marking the Northerly Northeast
5-13 corner for this tract;
5-14 THENCE, South, 740 feet, more or less, along said Griffin
5-15 Wilgus Survey, Abstract No. 382 and the center of said Randon Dyer
5-16 Road to a point for corner;
5-17 THENCE, East, 1407 feet, more or less, along the North line of
5-18 said B.B.B. & C. Railroad Company Survey, Abstract 134 and along the
5-19 North line of the Wade McNeill Exempt Unitrust 97 Acre Tract, more
5-20 or less, (FBC 1999005774) to a point in said City of Rosenberg City
5-21 Limits Line (Annex #54-186.69 Acres 03/12/1997) marking the
5-22 Easterly Northeast corner of this tract;
5-23 THENCE, South, 1889 feet, more or less, along said City of
5-24 Rosenberg City Limits Line to the Southeast corner of this tract
5-25 being in the South line of said Wade McNeill Unitrust Tract and the
5-26 North line of the Robert Cortez, Jr. Tracts to a point marking the
5-27 Easterly Southeast corner of this tract;
5-28 THENCE, West, 1364 feet, more or less, along said South line
5-29 of said Wade McNeill Unitrust Tract and the North line of said
5-30 Robert Cortez, Jr. Tracts to a point in said Randon Dyer Road
5-31 marking a re-entrant corner for this tract;
5-32 THENCE, South, 1632 feet, more or less, along the center of
5-33 said Randon Dyer Road and along the East line of said Yandell Ferris
5-34 Survey, Abstract 372 and West line of said B.B.B. & C. Railroad
5-35 Company Survey, Abstract No. 134 to the place of beginning and
5-36 containing 465 Acres of Land, more or less.
5-37 Tract 2:
5-38 A Field Note Description of 240 Acres of Land, more or less,
5-39 in the Yandell Ferris Survey, Abstract No. 374, Fort Bend County,
5-40 Texas.
5-41 Beginning at a point in the North line of the G.H. & S.A.
5-42 Railroad at its intersection with the West line of said Yandell
5-43 Ferris Survey, Abstract No. 374 and East line of the B.B.B. & C.
5-44 Railroad Company Survey No. 23, Abstract No. 137 and marking the
5-45 Southwest corner of and place of beginning of this tract;
5-46 THENCE, North 06deg.30' West, 3960 feet, more or less, along
5-47 the East line of said B.B.B. & C. Railroad Company Survey No. 23,
5-48 Abstract No. 137 in the West line of said Yandell Ferris Survey,
5-49 Abstract No. 374 to the Southwest corner of the George F. Bergen
5-50 Tract and Northwest corner for this tract;
5-51 THENCE, North 83deg.30' East, 2640 feet, more or less, along
5-52 the South line of the George F. Bergen and Michael Wayne Bergen
5-53 total 80 Acre Tract (see Volume 117, Page 511; Deed Records) to a
5-54 point marking the Northeast corner for this tract;
5-55 THENCE, South 06deg.30' East, 3960 feet, more or less, to a
5-56 point marking the Southeast corner for this tract;
5-57 THENCE, South 83deg.30' West, 2640 feet, more or less, along
5-58 the North right-of-way line of said G.H. & S.A. Railroad to the
5-59 place of beginning and containing 240 Acres of Land, more or less.
5-60 SECTION 3. (a) The legal notice of the intention to
5-61 introduce this Act, setting forth the general substance of this
5-62 Act, has been published as provided by law, and the notice and a
5-63 copy of this Act have been furnished to all persons, agencies,
5-64 officials, or entities to which they are required to be furnished
5-65 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-66 Government Code.
5-67 (b) The governor, one of the required recipients, has
5-68 submitted the notice and Act to the Texas Commission on
5-69 Environmental Quality.

6-1 (c) The Texas Commission on Environmental Quality has filed
6-2 its recommendations relating to this Act with the governor, the
6-3 lieutenant governor, and the speaker of the house of
6-4 representatives within the required time.

6-5 (d) All requirements of the constitution and laws of this
6-6 state and the rules and procedures of the legislature with respect
6-7 to the notice, introduction, and passage of this Act are fulfilled
6-8 and accomplished.

6-9 SECTION 4. (a) If this Act does not receive a two-thirds
6-10 vote of all the members elected to each house, Subchapter C, Chapter
6-11 8072, Special District Local Laws Code, as added by Section 1 of
6-12 this Act, is amended by adding Section 8072.0307 to read as follows:

6-13 Sec. 8072.0307. NO EMINENT DOMAIN POWER. The district may
6-14 not exercise the power of eminent domain.

6-15 (b) This section is not intended to be an expression of a
6-16 legislative interpretation of the requirements of Section 17(c),
6-17 Article I, Texas Constitution.

6-18 SECTION 5. This Act takes effect immediately if it receives
6-19 a vote of two-thirds of all the members elected to each house, as
6-20 provided by Section 39, Article III, Texas Constitution. If this
6-21 Act does not receive the vote necessary for immediate effect, this
6-22 Act takes effect September 1, 2019.

6-23

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