

1-1 By: Zerwas (Senate Sponsor - Kolthorst) H.B. No. 3095
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 board of directors and powers and duties of the Fort
1-18 Bend County Municipal Utility District No. 214; providing authority
1-19 to issue bonds; providing authority to impose fees and taxes.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-22 Code, is amended by adding Chapter 8060 to read as follows:

1-23 CHAPTER 8060. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 214

1-24 SUBCHAPTER A. GENERAL PROVISIONS

1-25 Sec. 8060.0101. DEFINITIONS. In this chapter:

1-26 (1) "Board" means the district's board of directors.

1-27 (2) "Commission" means the Texas Commission on
1-28 Environmental Quality.

1-29 (3) "Director" means a board member.

1-30 (4) "District" means the Fort Bend County Municipal
1-31 Utility District No. 214.

1-32 Sec. 8060.0102. NATURE AND PURPOSES OF DISTRICT. (a) The
1-33 district is a municipal utility district created under Section 59,
1-34 Article XVI, Texas Constitution.

1-35 (b) The district is created to accomplish the purposes of:

1-36 (1) a municipal utility district as provided by
1-37 general law and Section 59, Article XVI, Texas Constitution; and

1-38 (2) Section 52, Article III, Texas Constitution, that
1-39 relate to the construction, acquisition, improvement, operation,
1-40 or maintenance of macadamized, graveled, or paved roads, or
1-41 improvements, including storm drainage, in aid of those roads.

1-42 SUBCHAPTER B. BOARD OF DIRECTORS

1-43 Sec. 8060.0201. GOVERNING BODY; TERMS. (a) The district is
1-44 governed by a board of five elected directors.

1-45 (b) Except as provided by Section 8060.0202, directors
1-46 serve staggered four-year terms.

1-47 Sec. 8060.0202. TEMPORARY DIRECTORS. (a) The temporary
1-48 board consists of:

1-49 (1) Scott Frasier;

1-50 (2) Paul Cornett;

1-51 (3) Monica Preston;

1-52 (4) Barbara Jo D'Andrea; and

1-53 (5) Rebecca Mulvaney.

1-54 (b) Temporary directors serve until the earlier of:

1-55 (1) the date permanent directors are elected at an
1-56 election held under Section 49.102, Water Code; or

1-57 (2) the fourth anniversary of the effective date of
1-58 the Act enacting this chapter.

1-59 (c) If permanent directors have not been elected at an
1-60 election held under Section 49.102, Water Code, and the terms of the
1-61 temporary directors have expired, successor temporary directors

2-1 shall be appointed or reappointed as provided by Subsection (d) to
2-2 serve terms that expire on the earlier of:

2-3 (1) the date permanent directors are elected at an
2-4 election held under Section 49.102, Water Code; or

2-5 (2) the fourth anniversary of the date of the
2-6 appointment or reappointment.

2-7 (d) If Subsection (c) applies, the owner or owners of a
2-8 majority of the assessed value of the real property in the district
2-9 may submit a petition to the commission requesting that the
2-10 commission appoint as successor temporary directors the five
2-11 persons named in the petition. The commission shall appoint as
2-12 successor temporary directors the five persons named in the
2-13 petition.

2-14 SUBCHAPTER C. POWERS AND DUTIES

2-15 Sec. 8060.0301. GENERAL POWERS AND DUTIES. The district
2-16 has the powers and duties necessary to accomplish the purposes for
2-17 which the district is created.

2-18 Sec. 8060.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
2-19 DUTIES. The district has the powers and duties provided by the
2-20 general law of this state, including Chapters 49 and 54, Water Code,
2-21 applicable to municipal utility districts created under Section 59,
2-22 Article XVI, Texas Constitution.

2-23 Sec. 8060.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
2-24 52, Article III, Texas Constitution, the district may design,
2-25 acquire, construct, finance, issue bonds for, improve, operate,
2-26 maintain, and convey to this state, a county, or a municipality for
2-27 operation and maintenance macadamized, graveled, or paved roads, or
2-28 improvements, including storm drainage, in aid of those roads.

2-29 Sec. 8060.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-30 road project must meet all applicable construction standards,
2-31 zoning and subdivision requirements, and regulations of each
2-32 municipality in whose corporate limits or extraterritorial
2-33 jurisdiction the road project is located.

2-34 (b) If a road project is not located in the corporate limits
2-35 or extraterritorial jurisdiction of a municipality, the road
2-36 project must meet all applicable construction standards,
2-37 subdivision requirements, and regulations of each county in which
2-38 the road project is located.

2-39 (c) If the state will maintain and operate the road, the
2-40 Texas Transportation Commission must approve the plans and
2-41 specifications of the road project.

2-42 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

2-43 Sec. 8060.0401. AUTHORITY TO ISSUE BONDS AND OTHER
2-44 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
2-45 other obligations payable wholly or partly from ad valorem taxes,
2-46 impact fees, revenue, contract payments, grants, or other district
2-47 money, or any combination of those sources, to pay for a road
2-48 project authorized by Section 8060.0303.

2-49 (b) The district may not issue bonds payable from ad valorem
2-50 taxes to finance a road project unless the issuance is approved by a
2-51 vote of a two-thirds majority of the district voters voting at an
2-52 election held for that purpose.

2-53 (c) At the time of issuance, the total principal amount of
2-54 bonds or other obligations issued or incurred to finance road
2-55 projects and payable from ad valorem taxes may not exceed
2-56 one-fourth of the assessed value of the real property in the
2-57 district.

2-58 Sec. 8060.0402. TAXES FOR BONDS. At the time the district
2-59 issues bonds payable wholly or partly from ad valorem taxes, the
2-60 board shall provide for the annual imposition of a continuing
2-61 direct ad valorem tax, without limit as to rate or amount, while all
2-62 or part of the bonds are outstanding as required and in the manner
2-63 provided by Sections 54.601 and 54.602, Water Code.

2-64 SECTION 2. The Fort Bend County Municipal Utility District
2-65 No. 214 retains all the rights, powers, privileges, authority,
2-66 duties, and functions that it had before the effective date of this
2-67 Act.

2-68 SECTION 3. (a) The legislature validates and confirms all
2-69 governmental acts and proceedings of the Fort Bend County Municipal

3-1 Utility District No. 214 that were taken before the effective date
3-2 of this Act.

3-3 (b) This section does not apply to any matter that on the
3-4 effective date of this Act:

3-5 (1) is involved in litigation if the litigation
3-6 ultimately results in the matter being held invalid by a final court
3-7 judgment; or

3-8 (2) has been held invalid by a final court judgment.

3-9 SECTION 4. (a) The legal notice of the intention to
3-10 introduce this Act, setting forth the general substance of this
3-11 Act, has been published as provided by law, and the notice and a
3-12 copy of this Act have been furnished to all persons, agencies,
3-13 officials, or entities to which they are required to be furnished
3-14 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-15 Government Code.

3-16 (b) The governor, one of the required recipients, has
3-17 submitted the notice and Act to the Texas Commission on
3-18 Environmental Quality.

3-19 (c) The Texas Commission on Environmental Quality has filed
3-20 its recommendations relating to this Act with the governor, the
3-21 lieutenant governor, and the speaker of the house of
3-22 representatives within the required time.

3-23 (d) All requirements of the constitution and laws of this
3-24 state and the rules and procedures of the legislature with respect
3-25 to the notice, introduction, and passage of this Act are fulfilled
3-26 and accomplished.

3-27 SECTION 5. This Act takes effect immediately if it receives
3-28 a vote of two-thirds of all the members elected to each house, as
3-29 provided by Section 39, Article III, Texas Constitution. If this
3-30 Act does not receive the vote necessary for immediate effect, this
3-31 Act takes effect September 1, 2019.

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