

1-1 By: Stephenson (Senate Sponsor - Huffman) H.B. No. 4728
 1-2 (In the Senate - Received from the House May 6, 2019;
 1-3 May 7, 2019, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 16, 2019, reported favorably by
 1-5 the following vote: Yeas 7, Nays 0; May 16, 2019, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the creation of the Fort Bend County Municipal Utility
 1-19 District No. 241; granting a limited power of eminent domain;
 1-20 providing authority to issue bonds; providing authority to impose
 1-21 assessments, fees, and taxes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-24 Code, is amended by adding Chapter 8027 to read as follows:

1-25 CHAPTER 8027. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 241

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 8027.0101. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "Commission" means the Texas Commission on

1-30 Environmental Quality.

1-31 (3) "Director" means a board member.

1-32 (4) "District" means the Fort Bend County Municipal
 1-33 Utility District No. 241.

1-34 Sec. 8027.0102. NATURE OF DISTRICT. The district is a
 1-35 municipal utility district created under Section 59, Article XVI,
 1-36 Texas Constitution.

1-37 Sec. 8027.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-38 REQUIRED. The temporary directors shall hold an election to
 1-39 confirm the creation of the district and to elect five permanent
 1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 8027.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-42 temporary directors may not hold an election under Section
 1-43 8027.0103 or 8027.0401, issue bonds, or incur any debt until each
 1-44 municipality in whose corporate limits or extraterritorial
 1-45 jurisdiction the district is located has consented by ordinance or
 1-46 resolution to the creation of the district and to the inclusion of
 1-47 land in the district.

1-48 Sec. 8027.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:

1-51 (1) a municipal utility district as provided by
 1-52 general law and Section 59, Article XVI, Texas Constitution; and

1-53 (2) Section 52, Article III, Texas Constitution, that
 1-54 relate to the construction, acquisition, improvement, operation,
 1-55 or maintenance of macadamized, graveled, or paved roads, or
 1-56 improvements, including storm drainage, in aid of those roads.

1-57 Sec. 8027.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-58 district is initially composed of the territory described by
 1-59 Section 2 of the Act enacting this chapter.

1-60 (b) The boundaries and field notes contained in Section 2 of
 1-61 the Act enacting this chapter form a closure. A mistake made in the
 1-62 field notes or in copying the field notes in the legislative process
 1-63 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. 8027.0201. 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 8027.0202, directors

2-11 serve staggered four-year terms.

2-12 Sec. 8027.0202. 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 8027.0103; 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 8027.0103 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 8027.0103; 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. 8027.0301. 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. 8027.0302. 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. 8027.0303. 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. 8027.0304. 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. 8027.0305. 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 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 8027.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

3-7 The 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 8027.0403.

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. 8027.0402. OPERATION AND MAINTENANCE TAX. (a) If

3-20 authorized at an election held under Section 8027.0401, the
3-21 district may impose an operation and maintenance tax on taxable
3-22 property in the district in accordance with Section 49.107, Water
3-23 Code.

3-24 (b) The board shall determine the tax rate. The rate may not
3-25 exceed the rate approved at the election.

3-26 Sec. 8027.0403. CONTRACT TAXES. (a) In accordance with

3-27 Section 49.108, Water Code, the district may impose a tax other than
3-28 an operation and maintenance tax and use the revenue derived from
3-29 the tax to make payments under a contract after the provisions of
3-30 the contract have been approved by a majority of the district voters
3-31 voting at an election held for that purpose.

3-32 (b) A contract approved by the district voters may contain a
3-33 provision stating that the contract may be modified or amended by
3-34 the board without further voter approval.

3-35 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-36 Sec. 8027.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-37 OBLIGATIONS. The district may issue bonds or other obligations
3-38 payable wholly or partly from ad valorem taxes, impact fees,
3-39 revenue, contract payments, grants, or other district money, or any
3-40 combination of those sources, to pay for any authorized district
3-41 purpose.

3-42 Sec. 8027.0502. TAXES FOR BONDS. At the time the district
3-43 issues bonds payable wholly or partly from ad valorem taxes, the
3-44 board shall provide for the annual imposition of a continuing
3-45 direct ad valorem tax, without limit as to rate or amount, while all
3-46 or part of the bonds are outstanding as required and in the manner
3-47 provided by Sections 54.601 and 54.602, Water Code.

3-48 Sec. 8027.0503. BONDS FOR ROAD PROJECTS. At the time of
3-49 issuance, the total principal amount of bonds or other obligations
3-50 issued or incurred to finance road projects and payable from ad
3-51 valorem taxes may not exceed one-fourth of the assessed value of the
3-52 real property in the district.

3-53 SECTION 2. The Fort Bend County Municipal Utility District
3-54 No. 241 initially includes all the territory contained in the
3-55 following area:

3-56 FIELD NOTES of a 481.424 acre tract of land situated in the
3-57 Charles D. Sayre Survey, Abstract No. 82, Fort Bend County, Texas;
3-58 said 481.424 acre tract of land being all of a called 481.424 acre
3-59 tract as conveyed to AA Sharp Investments, LTD. Recorded under Fort
3-60 Bend County Clerk's File Number (F.B.C.C.F. No.) 2007153566 (and
3-61 described in F.B.C.C.F. No. 2006117261); said 481.424 acre tract of
3-62 land being more particularly described by metes and bounds as
3-63 follows:

3-64 NOTE: All bearings are based upon Survey produced by Henry
3-65 Steinkamp, Jr. Inc. and signed by Franklin R. Schodek (RPLS
3-66 No. 1535) dated August 14, 2006.

3-67 BEGINNING at a point being the most northerly corner of said
3-68 481.424 acre tract and the herein described tract;

3-69 THENCE S 32°19'44" E, along the northeasterly line of said

4-1 called 481.424 acre tract and the herein described tract, a
4-2 distance of 4,484.55 feet, to the centerline of Big Creek marking
4-3 the most easterly corner of the said 481.424 acre tract and the
4-4 herein described tract;

4-5 THENCE along the centerline of Big Creek and the
4-6 southeasterly line of the said 481.424 acre tract and the herein
4-7 described tract the following nineteen (19) courses and distances:

- 4-8 S 51°40'40" W, a distance of 157.62 feet;
- 4-9 S 61°46'22" W, a distance of 188.66 feet;
- 4-10 S 61°29'57" W, a distance of 227.57 feet;
- 4-11 S 62°21'21" W, a distance of 184.74 feet;
- 4-12 S 69°38'42" W, a distance of 272.19 feet;
- 4-13 S 66°16'30" W, a distance of 208.04 feet;
- 4-14 S 54°44'24" W, a distance of 200.94 feet;
- 4-15 S 46°21'28" W, a distance of 328.81 feet;
- 4-16 S 28°07'01" W, a distance of 137.20 feet;
- 4-17 S 20°43'43" W, a distance of 84.27 feet;
- 4-18 S 25°56'34" W, a distance of 145.84 feet;
- 4-19 S 16°19'11" W, a distance of 147.37 feet;
- 4-20 S 07°07'12" W, a distance of 544.54 feet;
- 4-21 S 20°17'04" W, a distance of 235.04 feet;
- 4-22 S 21°49'12" W, a distance of 473.24 feet;
- 4-23 S 19°50'49" W, a distance of 401.42 feet;
- 4-24 S 16°02'34" W, a distance of 118.89 feet;
- 4-25 S 06°53'14" W, a distance of 422.50 feet;
- 4-26 S 05°15'02" W, a distance of 249.80 feet, to the most

4-27 southerly corner of the herein described tract;

4-28 THENCE N 47°57'28" W, departing the centerline of Big Creek,
4-29 and along the southwesterly line of said 481.424 acre tract, a
4-30 distance of 5,149.01 feet, to the most westerly corner of the said
4-31 481.424 acre tract and the herein described tract;

4-32 THENCE N 42°11'01" E, along the northwesterly line of the said
4-33 481.424 acre tract and the herein described tract, a distance of
4-34 5,501.23 feet to the PLACE OF BEGINNING; containing within said
4-35 boundaries a calculated area of 481.424 acres of land.

4-36 SECTION 3. (a) The legal notice of the intention to
4-37 introduce this Act, setting forth the general substance of this
4-38 Act, has been published as provided by law, and the notice and a
4-39 copy of this Act have been furnished to all persons, agencies,
4-40 officials, or entities to which they are required to be furnished
4-41 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-42 Government Code.

4-43 (b) The governor, one of the required recipients, has
4-44 submitted the notice and Act to the Texas Commission on
4-45 Environmental Quality.

4-46 (c) The Texas Commission on Environmental Quality has filed
4-47 its recommendations relating to this Act with the governor, the
4-48 lieutenant governor, and the speaker of the house of
4-49 representatives within the required time.

4-50 (d) All requirements of the constitution and laws of this
4-51 state and the rules and procedures of the legislature with respect
4-52 to the notice, introduction, and passage of this Act are fulfilled
4-53 and accomplished.

4-54 SECTION 4. (a) If this Act does not receive a two-thirds
4-55 vote of all the members elected to each house, Subchapter C, Chapter
4-56 8027, Special District Local Laws Code, as added by Section 1 of
4-57 this Act, is amended by adding Section 8027.0306 to read as follows:

4-58 Sec. 8027.0306. NO EMINENT DOMAIN POWER. The district may
4-59 not exercise the power of eminent domain.

4-60 (b) This section is not intended to be an expression of a
4-61 legislative interpretation of the requirements of Section 17(c),
4-62 Article I, Texas Constitution.

4-63 SECTION 5. This Act takes effect immediately if it receives
4-64 a vote of two-thirds of all the members elected to each house, as
4-65 provided by Section 39, Article III, Texas Constitution. If this
4-66 Act does not receive the vote necessary for immediate effect, this
4-67 Act takes effect September 1, 2019.