

1-1 By: Stephenson (Senate Sponsor - Kolkhorst) H.B. No. 4729
 1-2 (In the Senate - Received from the House May 6, 2019;
 1-3 May 6, 2019, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 15, 2019, reported favorably by
 1-5 the following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
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. 242; 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 7900 to read as follows:

1-24 CHAPTER 7900. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 242
 1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7900.0101. 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. 242.

1-33 Sec. 7900.0102. 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. 7900.0103. 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. 7900.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section
 1-42 7900.0103 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. 7900.0105. 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. 7900.0106. 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:

1-62 (1) organization, existence, or validity;

2-1 (2) right to issue any type of bond for the purposes
 2-2 for which the district is created or to pay the principal of and
 2-3 interest on a bond;

2-4 (3) right to impose a tax; or

2-5 (4) legality or operation.

2-6 SUBCHAPTER B. BOARD OF DIRECTORS

2-7 Sec. 7900.0201. GOVERNING BODY; TERMS. (a) The district is
 2-8 governed by a board of five elected directors.

2-9 (b) Except as provided by Section 7900.0202, directors
 2-10 serve staggered four-year terms.

2-11 Sec. 7900.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-12 effective date of the Act enacting this chapter, the owner or owners
 2-13 of a majority of the assessed value of the real property in the
 2-14 district may submit a petition to the commission requesting that
 2-15 the commission appoint as temporary directors the five persons
 2-16 named in the petition. The commission shall appoint as temporary
 2-17 directors the five persons named in the petition.

2-18 (b) Temporary directors serve until the earlier of:

2-19 (1) the date permanent directors are elected under
 2-20 Section 7900.0103; or

2-21 (2) the fourth anniversary of the effective date of
 2-22 the Act enacting this chapter.

2-23 (c) If permanent directors have not been elected under
 2-24 Section 7900.0103 and the terms of the temporary directors have
 2-25 expired, successor temporary directors shall be appointed or
 2-26 reappointed as provided by Subsection (d) to serve terms that
 2-27 expire on the earlier of:

2-28 (1) the date permanent directors are elected under
 2-29 Section 7900.0103; or

2-30 (2) the fourth anniversary of the date of the
 2-31 appointment or reappointment.

2-32 (d) If Subsection (c) applies, the owner or owners of a
 2-33 majority of the assessed value of the real property in the district
 2-34 may submit a petition to the commission requesting that the
 2-35 commission appoint as successor temporary directors the five
 2-36 persons named in the petition. The commission shall appoint as
 2-37 successor temporary directors the five persons named in the
 2-38 petition.

2-39 SUBCHAPTER C. POWERS AND DUTIES

2-40 Sec. 7900.0301. GENERAL POWERS AND DUTIES. The district
 2-41 has the powers and duties necessary to accomplish the purposes for
 2-42 which the district is created.

2-43 Sec. 7900.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-44 DUTIES. The district has the powers and duties provided by the
 2-45 general law of this state, including Chapters 49 and 54, Water Code,
 2-46 applicable to municipal utility districts created under Section 59,
 2-47 Article XVI, Texas Constitution.

2-48 Sec. 7900.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-49 52, Article III, Texas Constitution, the district may design,
 2-50 acquire, construct, finance, issue bonds for, improve, operate,
 2-51 maintain, and convey to this state, a county, or a municipality for
 2-52 operation and maintenance macadamized, graveled, or paved roads, or
 2-53 improvements, including storm drainage, in aid of those roads.

2-54 Sec. 7900.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-55 road project must meet all applicable construction standards,
 2-56 zoning and subdivision requirements, and regulations of each
 2-57 municipality in whose corporate limits or extraterritorial
 2-58 jurisdiction the road project is located.

2-59 (b) If a road project is not located in the corporate limits
 2-60 or extraterritorial jurisdiction of a municipality, the road
 2-61 project must meet all applicable construction standards,
 2-62 subdivision requirements, and regulations of each county in which
 2-63 the road project is located.

2-64 (c) If the state will maintain and operate the road, the
 2-65 Texas Transportation Commission must approve the plans and
 2-66 specifications of the road project.

2-67 Sec. 7900.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 2-68 ORDINANCE OR RESOLUTION. The district shall comply with all
 2-69 applicable requirements of any ordinance or resolution that is

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

3-4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-5 Sec. 7900.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

3-6 The district may issue, without an election, bonds and other
3-7 obligations secured by:

3-8 (1) revenue other than ad valorem taxes; or

3-9 (2) contract payments described by Section 7900.0403.

3-10 (b) The district must hold an election in the manner
3-11 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-12 before the district may impose an ad valorem tax or issue bonds
3-13 payable from ad valorem taxes.

3-14 (c) The district may not issue bonds payable from ad valorem
3-15 taxes to finance a road project unless the issuance is approved by a
3-16 vote of a two-thirds majority of the district voters voting at an
3-17 election held for that purpose.

3-18 Sec. 7900.0402. OPERATION AND MAINTENANCE TAX. (a) If

3-19 authorized at an election held under Section 7900.0401, the
3-20 district may impose an operation and maintenance tax on taxable
3-21 property in the district in accordance with Section 49.107, Water
3-22 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. 7900.0403. 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. 7900.0501. 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. 7900.0502. 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. 7900.0503. 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. 242 initially includes all the territory contained in the
3-54 following area:

3-55 FIELD NOTES of a 237.293 acre tract of land situated in the
3-56 H.&T.C. RR. Co. Survey, Block 28, Sec. 28, Abstract No. 465, and the
3-57 H.&T.C. RR. Co. Survey, Block 28, Sec. 28, Abstract No. 723 Fort
3-58 Bend County, Texas; said 237.293 acre tract of land being all of a
3-59 called 237.293 acre tract as conveyed to Fairchild Creek Estates,
3-60 LP recorded under Fort Bend County Clerk's File Number (F.B.C.C.F.
3-61 No.) 2000063356; said 237.293 acre tract of land being more
3-62 particularly described by metes and bounds as follows:

3-63 NOTE: All bearings are based upon Land Title Survey produced
3-64 by Kelly R Kaluza and Associates, Inc. signed by C. Tim Griffith
3-65 (RPLS No. 4349) dated September 8, 2005.

3-66 BEGINNING at a point in the centerline of Jeske Road (having a
3-67 width of 60 feet) and being the most easterly southeast corner of
3-68 the said called 237.293 acre tract and the herein described tract;

3-69 THENCE S 45°04'49" W, departing the centerline of said Jeske

4-1 Road and along the south easterly line of said 237.293 acre tract
4-2 and the herein described tract, passing at a distance of 30.00 feet
4-3 the southwesterly Right-Of-Way (R.O.W.) line of said Jeske Road,
4-4 continuing a total distance of 2,644.40 feet, to the most southerly
4-5 corner of said 237.293 acre tract and the herein described tract;

4-6 THENCE N 44°55'11" W, along the southwesterly line of said
4-7 237.293 acre tract, a distance of 3,970.38 feet, to the northwest
4-8 corner of said 237.293 acre tract and the herein described tract;

4-9 THENCE N 44°38'41" E, along the northwesterly line of said
4-10 237.293 acre tract and the herein described tract, passing at a
4-11 distance of 2,608.89 feet the southwesterly R.O.W. line of said
4-12 Jeske Road, continuing a total distance of 2,638.89 feet, to the
4-13 centerline of said Jeske Road and the most northerly corner of said
4-14 called 237.293 acre tract and the herein described tract;

4-15 THENCE along the east line of said 237.293 acre tract the
4-16 following nine (9) courses and distances:

4-17 S 45°00'00" E, a distance of 1,135.64 feet, to an angle in the
4-18 east line of the herein described tract;

4-19 S 45°00'00" W, a distance of 465.60 feet, to an angle in the
4-20 east line of the herein described tract;

4-21 S 45°00'00" E, a distance of 200.00 feet, to an angle in the
4-22 east line of the herein described tract;

4-23 N 45°00'00" E, a distance of 465.60 feet, to an angle in the
4-24 east line of the herein described tract;

4-25 S 45°00'00" E, a distance of 1,022.48 feet, to an angle in the
4-26 east line of the herein described tract;

4-27 S 44°30'00" W, a distance of 297.93 feet, to an angle in the
4-28 east line of the herein described tract;

4-29 S 45°00'00" E, a distance of 285.64 feet, to an angle in the
4-30 east line of the herein described tract;

4-31 N 44°30'00" E, a distance of 297.93 feet, to an angle in the
4-32 east line of the herein described tract;

4-33 THENCE S 45°00'00" E, a distance of 1,346.68 feet, to the
4-34 PLACE OF BEGINNING; containing within said boundaries a calculated
4-35 area of 237.293 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 7900, Special District Local Laws Code, as added by Section 1 of
4-57 this Act, is amended by adding Section 7900.0306 to read as follows:

4-58 Sec. 7900.0306. 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.

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