1-1 1-2 1-3 1-4 1-5	By: Stephenson (Senate Sponsor - Kolkhorst) H.B. No. 4729 (In the Senate - Received from the House May 6, 2019; May 6, 2019, read first time and referred to Committee on Intergovernmental Relations; May 15, 2019, reported favorably by the following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)
1-6	COMMITTEE VOTE
1-7 1-8 1-9 1-10 1-11 1-12 1-13 1-14	YeaNayAbsentPNVLucioXSchwertnerXAlvaradoXCampbellXFallonXMenéndezXNicholsX
1 <b>-</b> 15 1 <b>-</b> 16	A BILL TO BE ENTITLED AN ACT
$\begin{array}{c} 1-17\\ 1-18\\ 1-19\\ 1-20\\ 1-22\\ 1-22\\ 1-22\\ 1-22\\ 1-25\\ 1-26\\ 1-28\\ 1-26\\ 1-28\\ 1-32\\ 1-32\\ 1-33\\ 1-36\\ 1-38\\ 1-38\\ 1-42\\ 1-44\\ 1-44\\ 1-44\\ 1-44\\ 1-45\\ 1-52\\ 1-55\\$	<pre>relating to the creation of the Fort Bend County Municipal Utility District No. 242; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: SECTION 1. Subtile F, Title 6, Special District Local Laws Cde, is amended by adding Chapter 7900 to read as follows: <u>CHAPTER 7900. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 242</u> SUBCHAPTER A. GENERAL PROVISIONS Sec. 7900.0101. DEFINITIONS. In this chapter: (1) "Board" means the district's board of directors. (2) "Commission" means the Texas Commission on Environmental Quality. (3) "Director" means a board member. (4) "District" means the Fort Bend County Municipal Utility District No. 242. Sec. 7900.0102. NATURE OF DISTRICT. The district is a muncipal utility district created under Section 59, Article XVI, Texas Constitution. Sec. 7900.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code. Sec. 7900.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors of land in the district. Is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district. Sec. 7900.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to accomplish the purposes of: (1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution, that relate to the construction, acquisition, improvement, operation, (2) Section 59, Article III. Texas Constitution, that relate to the construction, acquisition, improvement, operation, (2) Section 59, Article III. Texas Constitution, that relate to the construction, acquisition,</pre>

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<ul> <li>(2) right to issue any type of bond for the purposes of interest on a bond;</li> <li>(3) right to impose a taxy or</li> <li>(4) legality or operation.</li> <li>(3) right to impose a taxy or</li> <li>(4) legality or operation.</li> <li>(5) right to impose a taxy or</li> <li>(6) Except as provided by Section 7900.0202, directors</li> <li>(7) sector of the sector of t</li></ul>		H B No 4720
2-2       for which the district is created or to pay the principal of and         2-3       interest on a bond;         2-4       (3) light to impose a tax; or         2-5       (4) legality or operation.         2-6       Sec. 7900.0201. GOVENING GOV, TEMES. (a) The district is         2-7       governed by a board of five elected directors.         2-8       [b] Except as provided by Section 7900.0202, directors         2-9       [b] Except as provided by Section 7900.0202, directors         2-10       sec. 7900.0202. TEMPORARY DIRECTORS. (a) On or after the         2-11       Sec. 7900.0202. TEMPORARY DIRECTORS. (a) On or after the         2-12       is matority of the assessed value of the real property in the         2-13       of a matority of the assessed value of the real property in the         2-14       charting bit of the act enacting this chapter;         2-15       is made in the perilion. The commission requesting that         2-16       intertors the perinsen and in the perilion.         2-17       [b] The perinsen and directors are elected under         2-20       Section 7900.0103; or         2-21       the Attenacting this chapter.         2-22       for the assessed value of the real property in the district         2-23       Section 7900.0103; or         2-24       <	2-1	H.B. No. 4729 (2) right to issue any type of bond for the purposes
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<ul> <li>[4] lightly of operation.<sup></sup></li> <li>SUPCHAPTER F. FOARD OF DIRECTORS</li> <li>SEC. 7900.0201. GOVERNING BODY, TERMS. (a) The district is</li> <li>governed by a board of five elected directors.</li> <li>(b) Except as provided by Section 7900.0202, directors</li> <li>sec. 7900.0202. TEMPORARY DIRECTORS. (a) On or after the</li> <li>effective date of the Act enacting this chapter, the owner or owners or</li> <li>directors the five persons named in the petition.</li> <li>(b) Except as provided by Section 7900.0202, directors</li> <li>directors the five persons named in the petition.</li> <li>(c) If permanent directors have not been elected under</li> <li>Section 7900.0103; or</li> <li>(c) If permanent directors shall appoint as temporary</li> <li>(c) If permanent directors shall be appointed or</li> <li>fappointed by Subcetion (d) to serve terms that</li> <li>(c) If permanent directors shall be appointed or</li> <li>fappointed by Subcetion (d) to serve terms that</li> <li>explored by Subcetion (d) to serve terms that</li> <li>explored by Subsection (d) to serve terms that</li> <li>fappointed as provided by Subsection (d) to serve terms that</li> <li>explored by Subsection (d) to serve terms that</li> <li>explored the assecsed value of the real property in the district</li> <li>appointment respondented.</li> <li>SubcHAPPER C. POWERS AND DUTIES. The district</li> <li>sec. 7900.0331. GENERAL FOWERS AND DUTIES.</li> <li>sec. 7900.0332. MUNICIPAL UTILITY DISTRICT POWERS AND</li> <li>perisons named in the petition. The commission requesting that the</li> <li>petition.</li> <li>SUBCHAPPER C. POWERS AND DUTIES.</li> <li>sec. 7900.0333. AUTIORTY DISTRICT POWERS AND DUTIES.</li> <li>sec. 7900.0333</li></ul>		
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<ul> <li>Section 7900.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:</li> <li>II) the date permanent directors are elected under Section 7900.0103; or</li> <li>Section 7900.0103; or</li> <li>(2) the fourth anniversary of the date of the appointment or reappointment.</li> <li>(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the petition. The commission shall appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.</li> <li>Successor temporary directors the five persons named in the petition.</li> <li>Sec. 7900.0301. GENERAL POWERS AND DUTIES</li> <li>Sec. 7900.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.</li> <li>Sec. 7900.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 59, Article XVI, Texas Constitution.</li> <li>Sec. 7900.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 59, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction of a municipality, the road project is located.</li> <li>(d) If a road project is located.</li> <li>(f) If a road project is located in the corporate limits or extraterritorial jurisdiction of a municipality, the road reject must meet all applicable construction standards, section for extraterritorial jurisdiction of each county in which the road project</li></ul>		
<ul> <li>2-25 expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:         <ul> <li>(1) the date permanent directors are elected under</li> <li>Section 7900.0103; or</li> <li>(2) the fourth anniversary of the date of the appointment.</li> <li>(3) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.</li> <li>SubCHAPTER C. POWERS AND DUTIES</li> <li>Sec. 7900.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.</li> <li>Sec. 7900.0303. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.</li> <li>Sec. 7900.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, sec. 7900.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A read project must meet all applicable construction standards, improve, operate, be comproved to be standards, acquire, construct, and requilable construction standards, sec. 7900.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A read project is located.</li> <li>(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project is located.</li> <li>(c) If the state will maintain and operate the</li></ul></li></ul>		
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<ul> <li>2-35 commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.</li> <li>2-38 successor temporary directors the five persons named in the petition.</li> <li>2-39 Successor temporary directors the five persons named in the petition.</li> <li>2-30 Sec. 7900.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.</li> <li>2-41 has the powers and duties necessary to accomplish the purposes for Milling Sec. 7900.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.</li> <li>2-48 Sec. 7900.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 40, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.</li> <li>2-54 Sec. 7900.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.</li> <li>2-55 Subdivision requirements, and regulations of each the road project is located.</li> <li>2-66 Texas Transportation Commission must approve the plans and specifications of the road project.</li> <li>2-67 Sec. 7900.0305. COMPLIANCE WITH MUNICIPAL CONSENT Sec. 7900.0305. COMPLIANCE WITH MUNICIPAL CONSENT</li> </ul>		
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H.B. No. 4729 adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land

3-3 in the district. SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS 3-4 7900.0401. ELECTIONS REGARDING TAXES OR BONDS. 3-5 (a) Sec. 3-6 The district may issue, without an election, bonds and other obligations secured by: 3-7 3-8 (1) revenue other than ad valorem taxes; or (b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds 3-9 3-10 3-11 3-12 payable from ad valorem taxes. 3-13 3-14 (c) The district may not issue bonds payable from ad valorem 3**-**15 3**-**16 taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose. 3-17 Sec. 7900.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7900.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water 3-18 3-19 3-20 3-21 3-22 Code. 3-23 (b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election. 3-24 Sec. 7900.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than 3-25 3**-**26 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 the contract have been approved by a majority of the district voters 3-29 voting at an election held for that purpose. (b) A contract approved by the district voters may contain a 3-30 3-31 3-32 provision stating that the contract may be modified or amended by 3-33 the board without further voter approval. SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS 7900.0501. AUTHORITY TO ISSUE BONDS AND OTHER . The district may issue bonds or other obligations 3-34 3-35 Sec. OBLIGATIONS. 3-36 payable wholly or partly from ad valorem taxes, impact fees, 3-37 revenue, contract payments, grants, or other district money, or any 3-38 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 issues bonds payable wholly or partly from ad valorem taxes, the 3-42 3-43 board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code. Sec. 7900.0503. BONDS FOR ROAD PROJECTS. At the time of 3-44 3-45 3-46 3-47 3-48 issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district. 3-49 3-50 3-51 3-52 SECTION 2. The Fort Bend County Municipal Utility District 3-53 242 initially includes all the territory contained in the No. following area: 3-54 FIELD NOTES of a 237.293 acre tract of land situated in the 3-55 H.&T.C. RR. Co. Survey, Block 28, Sec. 28, Abstract No. 465, and the H.&T.C. RR. Co. Survey, Block 28, Sec. 28, Abstract No. 723 Fort Bend County, Texas; said 237.293 acre tract of land being all of a 3-56 3-57 3-58 called 237.293 acre tract as conveyed to Fairchild Creek Estates, 3-59 LP recorded under Fort Bend County Clerk's File Number (F.B.C.C.F. No.) 2000063356; said 237.293 acre tract of land being more 3-60 3-61 3-62 particularly described by metes and bounds as follows: 3-63 NOTE: All bearings are based upon Land Title Survey produced by Kelly R Kaluza and Associates, Inc. signed by C. Tim Griffith (RPLS No. 4349) dated September 8, 2005. 3-64 3-65 BEGINNING at a point in the centerline of Jeske Road (having a 3-66 3-67 width of 60 feet) and being the most easterly southeast corner of the said called 237.293 acre tract and the herein described tract; 3-68 THENCE S 45°04'49" W, departing the centerline of said Jeske 3-69 3

3-1 3-2

H.B. No. 4729

Road and along the south easterly line of said 237.293 acre tract 4-1 and the herein described tract, passing at a distance of 30.00 feet 4-2 the southwesterly Right-Of-Way (R.O.W.) line of said Jeske Road, continuing a total distance of 2,644.40 feet, to the most southerly 4-3 4 - 44-5

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

THENCE N  $44^{\circ}38'41''$  E, along the northwesterly line of said 237.293 acre tract and the herein described tract, passing at a distance of 2,608.89 feet the southwesterly R.O.W. line of said 4-9 4-10 4-11 Jeske Road, continuing a total distance of 2,638.89 feet, to the 4-12 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 4**-**16 THENCE along the east line of said 237.293 acre tract the following nine (9) courses and distances:

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

S 45°00'00" W, a distance of 465.60 feet, to an angle in the 4-19 4-20 4-21 east line of the herein described tract;

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;

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

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

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

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

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;

THENCE S  $45^{\circ}00'00''$  E, a distance of 1,346.68 feet, to the 4-33 4-34 PLACE OF BEGINNING; containing within said boundaries a calculated area of 237.293 acres of land. 4-35

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

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

4-46 (c) The Texas Commission on Environmental Quality has filed 4 - 47its 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 All requirements of the constitution and laws of this (d) 4-51 state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled 4-52 4-53 and accomplished.

4-54 SECTION 4. If this Act does not receive a two-thirds (a) 4-55 vote of all the members elected to each house, Subchapter C, Chapter 7900, Special District Local Laws Code, as added by Section 1 of 4-56 4-57 this Act, is amended by adding Section 7900.0306 to read as follows: 4-58 4-59

<u>Sec. 7900.0306. NO EMINENT DOMAIN POWER. The district may</u> not exercise the power of eminent domain. (b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), 4-60 4-61 4-62 Article I, Texas Constitution.

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

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