

1-1 By: Stephenson (Senate Sponsor - Kolkhorst) H.B. No. 4583  
 1-2 (In the Senate - Received from the House May 10, 2021;  
 1-3 May 10, 2021, read first time and referred to Committee on Local  
 1-4 Government; May 24, 2021, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
 1-6 May 24, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 4583 By: Hall

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the creation of the Fort Bend County Municipal Utility  
 1-22 District No. 232; granting a limited power of eminent domain;  
 1-23 providing authority to issue bonds; providing authority to impose  
 1-24 fees and taxes.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-26 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
 1-27 Code, is amended by adding Chapter 7907A to read as follows:

1-28 CHAPTER 7907A. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO.

1-29 232  
 1-30 SUBCHAPTER A. GENERAL PROVISIONS

1-31 Sec. 7907A.0101. DEFINITIONS. In this chapter:

1-32 (1) "Board" means the district's board of directors.

1-33 (2) "Commission" means the Texas Commission on  
 1-34 Environmental Quality.

1-35 (3) "Director" means a board member.

1-36 (4) "District" means the Fort Bend County Municipal  
 1-37 Utility District No. 232.

1-38 Sec. 7907A.0102. NATURE OF DISTRICT. The district is a  
 1-39 municipal utility district created under Section 59, Article XVI,  
 1-40 Texas Constitution.

1-41 Sec. 7907A.0103. CONFIRMATION AND DIRECTOR ELECTION  
 1-42 REQUIRED. The temporary directors shall hold an election to  
 1-43 confirm the creation of the district and to elect five permanent  
 1-44 directors as provided by Section 49.102, Water Code.

1-45 Sec. 7907A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-46 temporary directors may not hold an election under Section  
 1-47 7907A.0103 until each municipality in whose corporate limits or  
 1-48 extraterritorial jurisdiction the district is located has  
 1-49 consented by ordinance or resolution to the creation of the  
 1-50 district and to the inclusion of land in the district.

1-51 Sec. 7907A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-52 (a) The district is created to serve a public purpose and benefit.

1-53 (b) The district is created to accomplish the purposes of:

1-54 (1) a municipal utility district as provided by  
 1-55 general law and Section 59, Article XVI, Texas Constitution; and

1-56 (2) Section 52, Article III, Texas Constitution, that  
 1-57 relate to the construction, acquisition, improvement, operation,  
 1-58 or maintenance of macadamized, graveled, or paved roads, or  
 1-59 improvements, including storm drainage, in aid of those roads.

1-60 Sec. 7907A.0106. INITIAL DISTRICT TERRITORY. (a) The

2-1 district is initially composed of the territory described by  
 2-2 Section 2 of the Act enacting this chapter.

2-3 (b) The boundaries and field notes contained in Section 2 of  
 2-4 the Act enacting this chapter form a closure. A mistake made in the  
 2-5 field notes or in copying the field notes in the legislative process  
 2-6 does not affect the district's:

- 2-7 (1) organization, existence, or validity;
- 2-8 (2) right to issue any type of bond for the purposes  
 2-9 for which the district is created or to pay the principal of and  
 2-10 interest on a bond;
- 2-11 (3) right to impose a tax; or
- 2-12 (4) legality or operation.

2-13 SUBCHAPTER B. BOARD OF DIRECTORS

2-14 Sec. 7907A.0201. GOVERNING BODY; TERMS. (a) The district  
 2-15 is governed by a board of five elected directors.

2-16 (b) Except as provided by Section 7907A.0202, directors  
 2-17 serve staggered four-year terms.

2-18 Sec. 7907A.0202. TEMPORARY DIRECTORS. (a) On or after the  
 2-19 effective date of the Act enacting this chapter, the owner or owners  
 2-20 of a majority of the assessed value of the real property in the  
 2-21 district may submit a petition to the commission requesting that  
 2-22 the commission appoint as temporary directors the five persons  
 2-23 named in the petition. The commission shall appoint as temporary  
 2-24 directors the five persons named in the petition.

2-25 (b) Temporary directors serve until the earlier of:

- 2-26 (1) the date permanent directors are elected under  
 2-27 Section 7907A.0103; or
- 2-28 (2) the fourth anniversary of the effective date of  
 2-29 the Act enacting this chapter.

2-30 (c) If permanent directors have not been elected under  
 2-31 Section 7907A.0103 and the terms of the temporary directors have  
 2-32 expired, successor temporary directors shall be appointed or  
 2-33 reappointed as provided by Subsection (d) to serve terms that  
 2-34 expire on the earlier of:

- 2-35 (1) the date permanent directors are elected under  
 2-36 Section 7907A.0103; or
- 2-37 (2) the fourth anniversary of the date of the  
 2-38 appointment or reappointment.

2-39 (d) If Subsection (c) applies, the owner or owners of a  
 2-40 majority of the assessed value of the real property in the district  
 2-41 may submit a petition to the commission requesting that the  
 2-42 commission appoint as successor temporary directors the five  
 2-43 persons named in the petition. The commission shall appoint as  
 2-44 successor temporary directors the five persons named in the  
 2-45 petition.

2-46 SUBCHAPTER C. POWERS AND DUTIES

2-47 Sec. 7907A.0301. GENERAL POWERS AND DUTIES. The district  
 2-48 has the powers and duties necessary to accomplish the purposes for  
 2-49 which the district is created.

2-50 Sec. 7907A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-51 DUTIES. The district has the powers and duties provided by the  
 2-52 general law of this state, including Chapters 49 and 54, Water Code,  
 2-53 applicable to municipal utility districts created under Section 59,  
 2-54 Article XVI, Texas Constitution.

2-55 Sec. 7907A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
 2-56 Section 52, Article III, Texas Constitution, the district may  
 2-57 design, acquire, construct, finance, issue bonds for, improve,  
 2-58 operate, maintain, and convey to this state, a county, or a  
 2-59 municipality for operation and maintenance macadamized, graveled,  
 2-60 or paved roads, or improvements, including storm drainage, in aid  
 2-61 of those roads.

2-62 Sec. 7907A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
 2-63 road project must meet all applicable construction standards,  
 2-64 zoning and subdivision requirements, and regulations of each  
 2-65 municipality in whose corporate limits or extraterritorial  
 2-66 jurisdiction the road project is located.

2-67 (b) If a road project is not located in the corporate limits  
 2-68 or extraterritorial jurisdiction of a municipality, the road  
 2-69 project must meet all applicable construction standards,

3-1 subdivision requirements, and regulations of each county in which  
3-2 the road project is located.

3-3 (c) If the state will maintain and operate the road, the  
3-4 Texas Transportation Commission must approve the plans and  
3-5 specifications of the road project.

3-6 Sec. 7907A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
3-7 ORDINANCE OR RESOLUTION. The district shall comply with all  
3-8 applicable requirements of any ordinance or resolution that is  
3-9 adopted under Section 54.016 or 54.0165, Water Code, and that  
3-10 consents to the creation of the district or to the inclusion of land  
3-11 in the district.

3-12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-13 Sec. 7907A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
3-14 The district may issue, without an election, bonds and other  
3-15 obligations secured by:

3-16 (1) revenue other than ad valorem taxes; or

3-17 (2) contract payments described by Section  
3-18 7907A.0403.

3-19 (b) The district must hold an election in the manner  
3-20 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-21 before the district may impose an ad valorem tax or issue bonds  
3-22 payable from ad valorem taxes.

3-23 (c) The district may not issue bonds payable from ad valorem  
3-24 taxes to finance a road project unless the issuance is approved by a  
3-25 vote of a two-thirds majority of the district voters voting at an  
3-26 election held for that purpose.

3-27 Sec. 7907A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
3-28 authorized at an election held under Section 7907A.0401, the  
3-29 district may impose an operation and maintenance tax on taxable  
3-30 property in the district in accordance with Section 49.107, Water  
3-31 Code.

3-32 (b) The board shall determine the tax rate. The rate may not  
3-33 exceed the rate approved at the election.

3-34 Sec. 7907A.0403. CONTRACT TAXES. (a) In accordance with  
3-35 Section 49.108, Water Code, the district may impose a tax other than  
3-36 an operation and maintenance tax and use the revenue derived from  
3-37 the tax to make payments under a contract after the provisions of  
3-38 the contract have been approved by a majority of the district voters  
3-39 voting at an election held for that purpose.

3-40 (b) A contract approved by the district voters may contain a  
3-41 provision stating that the contract may be modified or amended by  
3-42 the board without further voter approval.

3-43 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-44 Sec. 7907A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
3-45 OBLIGATIONS. The district may issue bonds or other obligations  
3-46 payable wholly or partly from ad valorem taxes, impact fees,  
3-47 revenue, contract payments, grants, or other district money, or any  
3-48 combination of those sources, to pay for any authorized district  
3-49 purpose.

3-50 Sec. 7907A.0502. TAXES FOR BONDS. At the time the district  
3-51 issues bonds payable wholly or partly from ad valorem taxes, the  
3-52 board shall provide for the annual imposition of a continuing  
3-53 direct ad valorem tax, without limit as to rate or amount, while all  
3-54 or part of the bonds are outstanding as required and in the manner  
3-55 provided by Sections 54.601 and 54.602, Water Code.

3-56 Sec. 7907A.0503. BONDS FOR ROAD PROJECTS. At the time of  
3-57 issuance, the total principal amount of bonds or other obligations  
3-58 issued or incurred to finance road projects and payable from ad  
3-59 valorem taxes may not exceed one-fourth of the assessed value of the  
3-60 real property in the district.

3-61 SECTION 2. The Fort Bend County Municipal Utility District  
3-62 No. 232 initially includes all the territory contained in the  
3-63 following area:

3-64 Being a 100.5 acre tract of land located in the R.H. Earnest  
3-65 Survey, A-388, said 100.5 acre tract being all of a called 100.5  
3-66 acre tract of land conveyed to Jason Noah and Benjamin Adam Danziger  
3-67 in Clerk's File No. 2012117049 of the Official Public Records of  
3-68 Fort Bend County, Texas (O.R.F.B.C.); said 100.5 acre tract being  
3-69 more particularly described by metes and bounds as follows: (All

4-1 bearings reference to the Texas State Plane Coordinate System,  
4-2 South Central Zone).

4-3 COMMENCING at a 1-1/4" iron pipe found for the east corner of a  
4-4 called 55.048 acre tract described in the deed to LGI Homes-Sunrise  
4-5 Meadow, LTD. in Clerk's File No. 2005048299 of the O.R.F.B.C.,  
4-6 common to the south corner of a called 136.6 acre tract described in  
4-7 the deed to Sabas Cortez in Volume 216, Page 322, of the Deed  
4-8 Records of Fort Bend County, Texas;

4-9 Thence North 47° 56' 48" West - 2,057.42' along the north line of  
4-10 said 55.048 acre tract, the north line of a called 55.06295 acre  
4-11 tract described in the deed to Bruce Mahlmann in Clerk's File No.  
4-12 9780631 of the O.R.F.B.C. and the northwest line of a called 89.24  
4-13 acre tract described in the deed to R. W. Lindsey in Volume 469,  
4-14 Page 284, of the Deed Records of Fort Bend County, Texas, common to  
4-15 the southwest line of said 136.6 acre tract, to a 3/4" iron rod set  
4-16 for the south corner and POINT OF BEGINNING of the herein described  
4-17 tract, common to the south corner of said 100.5 acre tract and the  
4-18 west corner of said 136.6 acre tract, from which a found 1-1/4" iron  
4-19 pip bears North 23° 51' 01" East - 0.71';

4-20 THENCE North 47° 56' 48" West - 1,522.95' (called North 44° 48' 38"  
4-21 West), along the southwest line of said 100.5 acre tract, common to  
4-22 the northeast line of said 89.24 acre tract and the northeast line  
4-23 of a called 89.011 acre tract described in the deed to Paul Nelson  
4-24 Danzinger recorded in Clerk's File No. 200125881 of the O.R.F.B.C.,  
4-25 to the west corner of the herein described tract, common to the west  
4-26 corner of said 100.5 acre tract and the south corner of a called  
4-27 17.99 acre tract described in the deed to Willie Drabek recorded in  
4-28 Volume 1011, Page 841, of the Deed Records of Fort Bend County,  
4-29 Texas, from which a found 3/4" iron pipe bears South 42° 01' 12" West  
4-30 - 0.35'

4-31 THENCE North 42° 01' 12" East - 2,871.04' (called North 45° 11' 37"  
4-32 East), along the northwest line of said 100.5 acre tract, common to  
4-33 the southeast line of said 17.99 acre tract, at 2,210.59' passing a  
4-34 found 1" iron pipe (in concrete) on the south side of Koeblen Road,  
4-35 continuing in Koeblen Road to a 1/2" iron pipe found for the north  
4-36 corner of said 100.5 acre tract in Koeblen Road;

4-37 THENCE South 48° 10' 25" East - 1,524.25' (called South 45° 00'  
4-38 East), along the northeast line of said 100.5 acre tract in Koeblen  
4-39 Road to a PK nail found for the east corner of the herein described  
4-40 tract;

4-41 THENCE South 42° 02' 45" West - 2,877.08' (called South 45° 13' 10"  
4-42 West - 2,876.08') along the northeast line of said 100.5 acre tract,  
4-43 at 31.70' passing a 5/8" steel rod, continuing to the POINT OF  
4-44 BEGINNING of the herein described tract and containing 100.5 acres  
4-45 of land, more or less.

4-46 SECTION 3. (a) The legal notice of the intention to  
4-47 introduce this Act, setting forth the general substance of this  
4-48 Act, has been published as provided by law, and the notice and a  
4-49 copy of this Act have been furnished to all persons, agencies,  
4-50 officials, or entities to which they are required to be furnished  
4-51 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4-52 Government Code.

4-53 (b) The governor, one of the required recipients, has  
4-54 submitted the notice and Act to the Texas Commission on  
4-55 Environmental Quality.

4-56 (c) The Texas Commission on Environmental Quality has filed  
4-57 its recommendations relating to this Act with the governor, the  
4-58 lieutenant governor, and the speaker of the house of  
4-59 representatives within the required time.

4-60 (d) All requirements of the constitution and laws of this  
4-61 state and the rules and procedures of the legislature with respect  
4-62 to the notice, introduction, and passage of this Act are fulfilled  
4-63 and accomplished.

4-64 SECTION 4. (a) If this Act does not receive a two-thirds  
4-65 vote of all the members elected to each house, Subchapter C, Chapter  
4-66 7907A, Special District Local Laws Code, as added by Section 1 of  
4-67 this Act, is amended by adding Section 7907A.0306 to read as  
4-68 follows:

4-69 Sec. 7907A.0306. NO EMINENT DOMAIN POWER. The district may

5-1 not exercise the power of eminent domain.

5-2 (b) This section is not intended to be an expression of a  
5-3 legislative interpretation of the requirements of Section 17(c),  
5-4 Article I, Texas Constitution.

5-5 SECTION 5. This Act takes effect immediately if it receives  
5-6 a vote of two-thirds of all the members elected to each house, as  
5-7 provided by Section 39, Article III, Texas Constitution. If this  
5-8 Act does not receive the vote necessary for immediate effect, this  
5-9 Act takes effect September 1, 2021.

5-10

\* \* \* \* \*