

1-1 By: Oliverson (Senate Sponsor - Bettencourt) H.B. No. 5666
 1-2 (In the Senate - Received from the House May 8, 2025;
 1-3 May 21, 2025, read first time and referred to Committee on Local
 1-4 Government; May 23, 2025, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 0, 1
 1-6 present not voting; May 23, 2025, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Bettencourt	X			
1-9 Middleton				X
1-10 Cook	X			
1-11 Gutierrez	X			
1-12 Nichols	X			
1-13 Paxton	X			
1-14 West	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 5666 By: Cook

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Fenske Road Municipal Utility
 1-20 District of Harris County; granting a limited power of eminent
 1-21 domain; providing authority to issue bonds; providing authority to
 1-22 impose assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 7901A to read as follows:

1-26 CHAPTER 7901A. FENSKE ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS
 1-27 COUNTY

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 7901A.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Fenske Road Municipal Utility
 1-35 District of Harris County.

1-36 Sec. 7901A.0102. NATURE OF DISTRICT. The district is a
 1-37 municipal utility district created under Section 59, Article XVI,
 1-38 Texas Constitution.

1-39 Sec. 7901A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-40 REQUIRED. The temporary directors shall hold an election to
 1-41 confirm the creation of the district and to elect five permanent
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 7901A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-44 temporary directors may not hold an election under Section
 1-45 7901A.0103 until each municipality in whose corporate limits or
 1-46 extraterritorial jurisdiction the district is located has
 1-47 consented by ordinance or resolution to the creation of the
 1-48 district and to the inclusion of land in the district as required by
 1-49 applicable law.

1-50 Sec. 7901A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-51 (a) The district is created to serve a public purpose and benefit.

1-52 (b) The district is created to accomplish the purposes of:

1-53 (1) a municipal utility district as provided by
 1-54 general law and Section 59, Article XVI, Texas Constitution; and

1-55 (2) Section 52, Article III, Texas Constitution, that
 1-56 relate to the construction, acquisition, improvement, operation,
 1-57 or maintenance of macadamized, graveled, or paved roads, or
 1-58 improvements, including storm drainage, in aid of those roads.

1-59 Sec. 7901A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-60 district is initially composed of the territory described by

2-1 Section 2 of the Act enacting this chapter.
 2-2 (b) The boundaries and field notes contained in Section 2 of
 2-3 the Act enacting this chapter form a closure. A mistake made in the
 2-4 field notes or in copying the field notes in the legislative process
 2-5 does not affect the district's:
 2-6 (1) organization, existence, or validity;
 2-7 (2) right to issue any type of bond for the purposes
 2-8 for which the district is created or to pay the principal of and
 2-9 interest on a bond;
 2-10 (3) right to impose a tax; or
 2-11 (4) legality or operation.
 2-12 SUBCHAPTER B. BOARD OF DIRECTORS
 2-13 Sec. 7901A.0201. GOVERNING BODY; TERMS. (a) The district
 2-14 is governed by a board of five elected directors.
 2-15 (b) Except as provided by Section 7901A.0202, directors
 2-16 serve staggered four-year terms.
 2-17 Sec. 7901A.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-18 board consists of:
 2-19 (1) McCay Dickson;
 2-20 (2) Joseph Taylor;
 2-21 (3) Michael Foreman;
 2-22 (4) Alex Brown; and
 2-23 (5) Monica Bueso.
 2-24 (b) Temporary directors serve until the earlier of:
 2-25 (1) the date permanent directors are elected under
 2-26 Section 7901A.0103; or
 2-27 (2) the fourth anniversary of the effective date of
 2-28 the Act enacting this chapter.
 2-29 (c) If permanent directors have not been elected under
 2-30 Section 7901A.0103 and the terms of the temporary directors have
 2-31 expired, successor temporary directors shall be appointed or
 2-32 reappointed as provided by Subsection (d) to serve terms that
 2-33 expire on the earlier of:
 2-34 (1) the date permanent directors are elected under
 2-35 Section 7901A.0103; or
 2-36 (2) the fourth anniversary of the date of the
 2-37 appointment or reappointment.
 2-38 (d) If Subsection (c) applies, the owner or owners of a
 2-39 majority of the assessed value of the real property in the district
 2-40 may submit a petition to the commission requesting that the
 2-41 commission appoint as successor temporary directors the five
 2-42 persons named in the petition. The commission shall appoint as
 2-43 successor temporary directors the five persons named in the
 2-44 petition.
 2-45 SUBCHAPTER C. POWERS AND DUTIES
 2-46 Sec. 7901A.0301. GENERAL POWERS AND DUTIES. The district
 2-47 has the powers and duties necessary to accomplish the purposes for
 2-48 which the district is created.
 2-49 Sec. 7901A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-50 DUTIES. The district has the powers and duties provided by the
 2-51 general law of this state, including Chapters 49 and 54, Water Code,
 2-52 applicable to municipal utility districts created under Section 59,
 2-53 Article XVI, Texas Constitution.
 2-54 Sec. 7901A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-55 Section 52, Article III, Texas Constitution, the district may
 2-56 design, acquire, construct, finance, issue bonds for, improve,
 2-57 operate, maintain, and convey to this state, a county, or a
 2-58 municipality for operation and maintenance macadamized, graveled,
 2-59 or paved roads, or improvements, including storm drainage, in aid
 2-60 of those roads.
 2-61 Sec. 7901A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-62 road project must meet all applicable construction standards,
 2-63 zoning and subdivision requirements, and regulations of each
 2-64 municipality in whose corporate limits or extraterritorial
 2-65 jurisdiction the road project is located.
 2-66 (b) If a road project is not located in the corporate limits
 2-67 or extraterritorial jurisdiction of a municipality, the road
 2-68 project must meet all applicable construction standards,
 2-69 subdivision requirements, and regulations of each county in which

3-1 the road project is located.
3-2 (c) If the state will maintain and operate the road, the
3-3 Texas Transportation Commission must approve the plans and
3-4 specifications of the road project.

3-5 Sec. 7901A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-6 ORDINANCE OR RESOLUTION. The district shall comply with all
3-7 applicable requirements of any ordinance or resolution that is
3-8 adopted under Section 54.016 or 54.0165, Water Code, and that
3-9 consents to the creation of the district or to the inclusion of land
3-10 in the district.

3-11 Sec. 7901A.0306. DIVISION OF DISTRICT. This chapter
3-12 applies to any new district created by the division of the district
3-13 under Section 49.316, Water Code, and a new district has all the
3-14 powers and duties of the district.

3-15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-16 Sec. 7901A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-17 The district may issue, without an election, bonds and other
3-18 obligations secured by:

- 3-19 (1) revenue other than ad valorem taxes; or
- 3-20 (2) contract payments described by Section
- 3-21 7901A.0403.

3-22 (b) The district must hold an election in the manner
3-23 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-24 before the district may impose an ad valorem tax or issue bonds
3-25 payable from ad valorem taxes.

3-26 (c) The district may not issue bonds payable from ad valorem
3-27 taxes to finance a road project unless the issuance is approved by a
3-28 vote of a two-thirds majority of the district voters voting at an
3-29 election held for that purpose.

3-30 Sec. 7901A.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-31 authorized at an election held under Section 7901A.0401, the
3-32 district may impose an operation and maintenance tax on taxable
3-33 property in the district in accordance with Section 49.107, Water
3-34 Code.

3-35 (b) The board shall determine the tax rate. The rate may not
3-36 exceed the rate approved at the election.

3-37 Sec. 7901A.0403. CONTRACT TAXES. (a) In accordance with
3-38 Section 49.108, Water Code, the district may impose a tax other than
3-39 an operation and maintenance tax and use the revenue derived from
3-40 the tax to make payments under a contract after the provisions of
3-41 the contract have been approved by a majority of the district voters
3-42 voting at an election held for that purpose.

3-43 (b) A contract approved by the district voters may contain a
3-44 provision stating that the contract may be modified or amended by
3-45 the board without further voter approval.

3-46 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-47 Sec. 7901A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-48 OBLIGATIONS. The district may issue bonds or other obligations
3-49 payable wholly or partly from ad valorem taxes, impact fees,
3-50 revenue, contract payments, grants, or other district money, or any
3-51 combination of those sources, to pay for any authorized district
3-52 purpose.

3-53 Sec. 7901A.0502. TAXES FOR BONDS. At the time the district
3-54 issues bonds payable wholly or partly from ad valorem taxes, the
3-55 board shall provide for the annual imposition of a continuing
3-56 direct ad valorem tax, without limit as to rate or amount, while all
3-57 or part of the bonds are outstanding as required and in the manner
3-58 provided by Sections 54.601 and 54.602, Water Code.

3-59 Sec. 7901A.0503. BONDS FOR ROAD PROJECTS. At the time of
3-60 issuance, the total principal amount of bonds or other obligations
3-61 issued or incurred to finance road projects and payable from ad
3-62 valorem taxes may not exceed one-fourth of the assessed value of the
3-63 real property in the district.

3-64 SECTION 2. The Fenske Road Municipal Utility District of
3-65 Harris County initially includes all the territory contained in the
3-66 following area:

3-67 All that certain 33.7594 acres of land being all that certain
3-68 called 32.7500 acre tract described as Tract I in the deed dated
3-69 July 26, 1985, from Marvin Treichel, et al to Howard Leon Treichel,

4-1 et ux, filed for record under Clerk File No. K132306, of the
 4-2 Official Public Records of Real Property of Harris County, Texas,
 4-3 and being all that certain called 1.00002 acre tract described in
 4-4 the deed dated April 23, 2004, from Timothy A. Perry to Valleys
 4-5 Mills Partners, Ltd. to filed for record under Clerk File
 4-6 No. Z-053385, out of the Jacob Duckworth Survey, A-226, Harris
 4-7 County, Texas, and being more particularly described by metes and
 4-8 bounds as follows:

4-9 BEGINNING at a found 1" iron pipe marking the northwest corner of
 4-10 said 32.7500 acre tract, said pipe located on the south
 4-11 right-of-way line of Fenske Road (60' Wide as monumented);
 4-12 THENCE N 85° 35' 17" E - 761.55', with said south right-of-way line
 4-13 to a set 1/2" iron rod with cap marking northeast corner of said
 4-14 called 1.00002 acre;
 4-15 THENCE S 01° 57' 40" E - 290.70', with the east line of said 1.00002
 4-16 acre tract, to a set 5/8" iron rod with cap for an angle corner;
 4-17 THENCE S 02° 02' 46" E - 388.02', with the west line of that certain
 4-18 called 3.25 acre tract described in the deed dated November 11,
 4-19 1976, from Rickey Kleppel, et ux to Larry E. Thieme, et ux, filed
 4-20 for record under Clerk File No. F610177, Film Code No. 195-18-0683,
 4-21 of the Official Public Records of Real Property of Harris County,
 4-22 Texas to a set "PK" nail for corner;
 4-23 THENCE N 85° 28' 07" E - 208.44', with the south line of said 3.25
 4-24 acre tract tract, to a found 1" iron pipe marking the easterly
 4-25 northeast corner of the aforementioned 32.7500 acre tract, the
 4-26 southeast corner of said 3.25 acre tract and the northwest corner of
 4-27 that certain called 33.8716 acre tract described as Tract II in the
 4-28 deed dated July 26, 1985, from Marvin Treichel, et al to Howard Leon
 4-29 Treichel, et ux, filed for record under Clerk File No. K132306,
 4-30 Film Code No. 021-75-0610, of the Official Public Records of Real
 4-31 Property of Harris County, Texas;
 4-32 THENCE S 09° 09' 34" E - 984.93', with the northerly west line of
 4-33 said 33.8716 acre tract, to a found 5/8" iron rod marking the
 4-34 southeast corner of the aforementioned 32.7500 acre tract and an
 4-35 interior corner of said 33.8716 acre tract;
 4-36 THENCE S 87° 57' 07" W - 1,050.74'. with the westerly north line of
 4-37 said 33.8716 acre tract, to a found 5/8" iron rod marking the
 4-38 southwest corner of said 32.7500 acre tract and the westerly
 4-39 northwest corner of said 33.8716 acre tract;
 4-40 THENCE N 03° 27' 44" W - 1,616.13', to the POINT OF BEGINNING of the
 4-41 herein described tract and containing 33.7594 acres (1,470,559
 4-42 square feet) of land, more or less.

4-43 SECTION 3. (a) The legal notice of the intention to
 4-44 introduce this Act, setting forth the general substance of this
 4-45 Act, has been published as provided by law, and the notice and a
 4-46 copy of this Act have been furnished to all persons, agencies,
 4-47 officials, or entities to which they are required to be furnished
 4-48 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 4-49 Government Code.

4-50 (b) The governor, one of the required recipients, has
 4-51 submitted the notice and Act to the Texas Commission on
 4-52 Environmental Quality.

4-53 (c) The Texas Commission on Environmental Quality has filed
 4-54 its recommendations relating to this Act with the governor, the
 4-55 lieutenant governor, and the speaker of the house of
 4-56 representatives within the required time.

4-57 (d) All requirements of the constitution and laws of this
 4-58 state and the rules and procedures of the legislature with respect
 4-59 to the notice, introduction, and passage of this Act are fulfilled
 4-60 and accomplished.

4-61 SECTION 4. (a) If this Act does not receive a two-thirds
 4-62 vote of all the members elected to each house, Subchapter C, Chapter
 4-63 7901A, Special District Local Laws Code, as added by Section 1 of
 4-64 this Act, is amended by adding Section 7901A.0307 to read as
 4-65 follows:

4-66 Sec. 7901A.0307. NO EMINENT DOMAIN POWER. The district may
 4-67 not exercise the power of eminent domain.

4-68 (b) This section is not intended to be an expression of a
 4-69 legislative interpretation of the requirements of Section 17(c),

5-1 Article I, Texas Constitution.

5-2 SECTION 5. This Act takes effect immediately if it receives
5-3 a vote of two-thirds of all the members elected to each house, as
5-4 provided by Section 39, Article III, Texas Constitution. If this
5-5 Act does not receive the vote necessary for immediate effect, this
5-6 Act takes effect September 1, 2025.

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