

1-1 By: Stephenson (Senate Sponsor - Kolkhorst) H.B. No. 4642
 1-2 (In the Senate - Received from the House May 17, 2021;
 1-3 May 17, 2021, read first time and referred to Committee on Local
 1-4 Government; May 21, 2021, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Menéndez	X			
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Paxton	X			
1-14 Springer	X			
1-15 Zaffirini			X	

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

1-19 relating to the creation of the Fort Bend County Municipal Utility
 1-20 District No. 253; granting a limited power of eminent domain;
 1-21 providing authority to issue bonds; providing authority to impose
 1-22 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 7940A to read as follows:

1-26 CHAPTER 7940A. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 253
 1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7940A.0101. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.

1-30 (2) "Commission" means the Texas Commission on
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.

1-33 (4) "District" means the Fort Bend County Municipal
 1-34 Utility District No. 253.

1-35 Sec. 7940A.0102. NATURE OF DISTRICT. The district is a
 1-36 municipal utility district created under Section 59, Article XVI,
 1-37 Texas Constitution.

1-38 Sec. 7940A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-39 REQUIRED. The temporary directors shall hold an election to
 1-40 confirm the creation of the district and to elect five permanent
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 7940A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 7940A.0103 until each municipality in whose corporate limits or
 1-45 extraterritorial jurisdiction the district is located has
 1-46 consented by ordinance or resolution to the creation of the
 1-47 district and to the inclusion of land in the district.

1-48 Sec. 7940A.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. 7940A.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

2-1 field notes or in copying the field notes in the legislative process
 2-2 does not affect the district's:

- 2-3 (1) organization, existence, or validity;
- 2-4 (2) right to issue any type of bond for the purposes
 2-5 for which the district is created or to pay the principal of and
 2-6 interest on a bond;
- 2-7 (3) right to impose a tax; or
- 2-8 (4) legality or operation.

2-9 SUBCHAPTER B. BOARD OF DIRECTORS

2-10 Sec. 7940A.0201. GOVERNING BODY; TERMS. (a) The district
 2-11 is governed by a board of five elected directors.

2-12 (b) Except as provided by Section 7940A.0202, directors
 2-13 serve staggered four-year terms.

2-14 Sec. 7940A.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-15 effective date of the Act enacting this chapter, the owner or owners
 2-16 of a majority of the assessed value of the real property in the
 2-17 district may submit a petition to the commission requesting that
 2-18 the commission appoint as temporary directors the five persons
 2-19 named in the petition. The commission shall appoint as temporary
 2-20 directors the five persons named in the petition.

2-21 (b) Temporary directors serve until the earlier of:

2-22 (1) the date permanent directors are elected under
 2-23 Section 7940A.0103; or

2-24 (2) the fourth anniversary of the effective date of
 2-25 the Act enacting this chapter.

2-26 (c) If permanent directors have not been elected under
 2-27 Section 7940A.0103 and the terms of the temporary directors have
 2-28 expired, successor temporary directors shall be appointed or
 2-29 reappointed as provided by Subsection (d) to serve terms that
 2-30 expire on the earlier of:

2-31 (1) the date permanent directors are elected under
 2-32 Section 7940A.0103; or

2-33 (2) the fourth anniversary of the date of the
 2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a
 2-36 majority of the assessed value of the real property in the district
 2-37 may submit a petition to the commission requesting that the
 2-38 commission appoint as successor temporary directors the five
 2-39 persons named in the petition. The commission shall appoint as
 2-40 successor temporary directors the five persons named in the
 2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 7940A.0301. GENERAL POWERS AND DUTIES. The district
 2-44 has the powers and duties necessary to accomplish the purposes for
 2-45 which the district is created.

2-46 Sec. 7940A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-47 DUTIES. The district has the powers and duties provided by the
 2-48 general law of this state, including Chapters 49 and 54, Water Code,
 2-49 applicable to municipal utility districts created under Section 59,
 2-50 Article XVI, Texas Constitution.

2-51 Sec. 7940A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-52 Section 52, Article III, Texas Constitution, the district may
 2-53 design, acquire, construct, finance, issue bonds for, improve,
 2-54 operate, maintain, and convey to this state, a county, or a
 2-55 municipality for operation and maintenance macadamized, graveled,
 2-56 or paved roads, or improvements, including storm drainage, in aid
 2-57 of those roads.

2-58 Sec. 7940A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-59 road project must meet all applicable construction standards,
 2-60 zoning and subdivision requirements, and regulations of each
 2-61 municipality in whose corporate limits or extraterritorial
 2-62 jurisdiction the road project is located.

2-63 (b) If a road project is not located in the corporate limits
 2-64 or extraterritorial jurisdiction of a municipality, the road
 2-65 project must meet all applicable construction standards,
 2-66 subdivision requirements, and regulations of each county in which
 2-67 the road project is located.

2-68 (c) If the state will maintain and operate the road, the
 2-69 Texas Transportation Commission must approve the plans and

3-1 specifications of the road project.

3-2 Sec. 7940A.0305. COMPLIANCE WITH MUNICIPAL CONSENT

3-3 ORDINANCE OR RESOLUTION. The district shall comply with all

3-4 applicable requirements of any ordinance or resolution that is

3-5 adopted under Section 54.016 or 54.0165, Water Code, and that

3-6 consents to the creation of the district or to the inclusion of land

3-7 in the district.

3-8 Sec. 7940A.0306. DIVISION OF DISTRICT. (a) The district

3-9 may be divided into two or more new districts only if the district:

3-10 (1) has no outstanding bonded debt; and

3-11 (2) is not imposing ad valorem taxes.

3-12 (b) This chapter applies to any new district created by the

3-13 division of the district, and a new district has all the powers and

3-14 duties of the district.

3-15 (c) A new district created by the division of the district

3-16 may not, at the time the new district is created, contain any land

3-17 outside the area described by Section 2 of the Act enacting this

3-18 chapter.

3-19 (d) The board, on its own motion or on receipt of a petition

3-20 signed by the owner or owners of a majority of the assessed value of

3-21 the real property in the district, may adopt an order dividing the

3-22 district.

3-23 (e) The board may adopt an order dividing the district

3-24 before or after the date the board holds an election under Section

3-25 7940A.0103 to confirm the district's creation.

3-26 (f) An order dividing the district shall:

3-27 (1) name each new district;

3-28 (2) include the metes and bounds description of the

3-29 territory of each new district;

3-30 (3) appoint temporary directors for each new district;

3-31 and

3-32 (4) provide for the division of assets and liabilities

3-33 between the new districts.

3-34 (g) On or before the 30th day after the date of adoption of

3-35 an order dividing the district, the district shall file the order

3-36 with the commission and record the order in the real property

3-37 records of each county in which the district is located.

3-38 (h) Any new district created by the division of the district

3-39 shall hold a confirmation and directors' election as required by

3-40 Section 7940A.0103.

3-41 (i) If the creation of the new district is confirmed, the

3-42 new district shall provide the election date and results to the

3-43 commission.

3-44 (j) Any new district created by the division of the district

3-45 must hold an election as required by this chapter to obtain voter

3-46 approval before the district may impose a maintenance tax or issue

3-47 bonds payable wholly or partly from ad valorem taxes.

3-48 (k) Municipal consent to the creation of the district and to

3-49 the inclusion of land in the district granted under Section

3-50 7940A.0104 acts as municipal consent to the creation of any new

3-51 district created by the division of the district and to the

3-52 inclusion of land in the new district.

3-53 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-54 Sec. 7940A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

3-55 The district may issue, without an election, bonds and other

3-56 obligations secured by:

3-57 (1) revenue other than ad valorem taxes; or

3-58 (2) contract payments described by Section

3-59 7940A.0403.

3-60 (b) The district must hold an election in the manner

3-61 provided by Chapters 49 and 54, Water Code, to obtain voter approval

3-62 before the district may impose an ad valorem tax or issue bonds

3-63 payable from ad valorem taxes.

3-64 (c) The district may not issue bonds payable from ad valorem

3-65 taxes to finance a road project unless the issuance is approved by a

3-66 vote of a two-thirds majority of the district voters voting at an

3-67 election held for that purpose.

3-68 Sec. 7940A.0402. OPERATION AND MAINTENANCE TAX. (a) If

3-69 authorized at an election held under Section 7940A.0401, the

4-1 district may impose an operation and maintenance tax on taxable
4-2 property in the district in accordance with Section 49.107, Water
4-3 Code.

4-4 (b) The board shall determine the tax rate. The rate may not
4-5 exceed the rate approved at the election.

4-6 Sec. 7940A.0403. CONTRACT TAXES. (a) In accordance with
4-7 Section 49.108, Water Code, the district may impose a tax other than
4-8 an operation and maintenance tax and use the revenue derived from
4-9 the tax to make payments under a contract after the provisions of
4-10 the contract have been approved by a majority of the district voters
4-11 voting at an election held for that purpose.

4-12 (b) A contract approved by the district voters may contain a
4-13 provision stating that the contract may be modified or amended by
4-14 the board without further voter approval.

4-15 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-16 Sec. 7940A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
4-17 OBLIGATIONS. The district may issue bonds or other obligations
4-18 payable wholly or partly from ad valorem taxes, impact fees,
4-19 revenue, contract payments, grants, or other district money, or any
4-20 combination of those sources, to pay for any authorized district
4-21 purpose.

4-22 Sec. 7940A.0502. TAXES FOR BONDS. At the time the district
4-23 issues bonds payable wholly or partly from ad valorem taxes, the
4-24 board shall provide for the annual imposition of a continuing
4-25 direct ad valorem tax, without limit as to rate or amount, while all
4-26 or part of the bonds are outstanding as required and in the manner
4-27 provided by Sections 54.601 and 54.602, Water Code.

4-28 Sec. 7940A.0503. BONDS FOR ROAD PROJECTS. At the time of
4-29 issuance, the total principal amount of bonds or other obligations
4-30 issued or incurred to finance road projects and payable from ad
4-31 valorem taxes may not exceed one-fourth of the assessed value of the
4-32 real property in the district.

4-33 SECTION 2. The Fort Bend County Municipal Utility District
4-34 No. 253 initially includes all the territory contained in the
4-35 following area:

4-36 A 854.6 ACRE TRACT OF LAND IN THE H. & T.C. RR. CO. SURVEY,
4-37 SECTION 6, ABSTRACT NO. 553, 612, AND 535, AND IN THE H. & T. C. RR.
4-38 CO. SURVEY SETION 5, ABSTRACT NO. 209 FORT BEND COUNTY, TEXAS, BEING
4-39 ALL OF THE A. VALLET SURVEY, A-535, AND ALL OF A CALLED 320 ACRES
4-40 DESCRIBED IN GIFT DEED TO SHARON VELLET WALLINGFORD TRUST, RECORDED
4-41 UNDER FORT BEND COUNTY CLERK'S FILE NUMBER (F.B.C.C.F. NO.)
4-42 9484031, AND ALL OF A CALLED 211.78 ACRE TRACT FOUND IN PROBABTE
4-43 DOCUMENT NO. 14839, SAVE AND EXCEPT THE AREA WITHIN THE CITY LIMITS
4-44 OF CITY OF ROSENBERG, APPROXIMATELY 1.6 ACRES OUT OF THE A. VALLET
4-45 SURVEY, ABSTRACT NO. 535., THE SAID 853.0 ACRE TRACT BEING MORE
4-46 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (WITH
4-47 BEARINGS BASED ON THE SOUTHWEST RIGHT-OF-WAY LINE OF FINNEY VALLET
4-48 ROAD BEING SOUTH 45 DEGREES EAST):

4-49 BEGINNING at the north corner of said A. Vallet Survey,
4-50 (A-535), and the southeast corner of the S.A. & M.G. RR. CO. Survey,
4-51 A-331 and the north corner of the herein described tract, being in
4-52 the centerline of said Finney Vallet Road (based on a width of 60
4-53 feet);

4-54 THENCE, South 45° East, along the centerline of said Finney
4-55 Valley Road, and the easterly line of said A. Vallet Survey, a
4-56 distance of 5,280.00 feet, to the north corner of said A-209, and
4-57 the north corner of a called 3.2500 acre tract conveyed to Annette
4-58 M. Pittman, ET UX. as described in document recorded under
4-59 F.B.C.C.F. NO. 2003157605, and the southeast corner of said A-535,
4-60 and an exterior corner of the herein described tract;

4-61 THENCE, South 45° West, along the southeasterly line of said
4-62 A-535, common with the northwesterly line of said 3.2500 acre
4-63 tract, and a called 3.0000 acre tract described in document
4-64 recorded under F.B.C.C.F. NO. 2001073086, and a called 58.0744 acre
4-65 tract as described in document recorded under F.B.C.C.F. NO.
4-66 2017119706, a distance of 2,638.46 feet, to the northerly corner of
4-67 said 211.78 acre tract, and an interior corner of the herein
4-68 described tract;

4-69 THENCE, South 45° East, along the easterly line of said 211.78

5-1 acre tract, a distance of 5280.00 feet, to the south line of said
5-2 A-209, common with the north line of the H.&T. C. RR. Co. Survey
5-3 Abstract No. 208, marking the southeast corner of said 211.78 acre
5-4 tract and the most southerly corner of the herein described tract;

5-5 THENCE, South 45° West, along said common line, a distance of
5-6 1,770.82 feet, to the most southerly corner of the herein described
5-7 tract;

5-8 THENCE, North 45° West, departing said common line, and along
5-9 the southwesterly line of said 211.78 acre tract, a distance of
5-10 5,280.00 feet, to the south line of said A-612, common with the
5-11 north line of said A-209, and an interior corner of the herein
5-12 described tract;

5-13 THENCE, South 45° West, along said common line a distance of
5-14 870.72 feet, to the southwest corner of said A-612, and an exterior
5-15 corner of the herein described tract;

5-16 THENCE, North 45° West, along the west line of said A-612, and
5-17 A-553, a distance of 5,280.00 feet, to the northwest corner of said
5-18 A-553 and the herein described tract;

5-19 THENCE, North 45° East, along the northerly line of said
5-20 A-553, and said A-535, a distance of 5,280.00 feet, to the POINT OF
5-21 BEGINNING, SAVE AND EXCEPT THE AREA WITHIN THE CITY LIMITS OF CITY
5-22 OF ROSENBERG, APPROXIMATELY 1.6 ACRES OUT OF THE A. VALLET SURVEY,
5-23 ABSTRACT NO. 535., and containing 854.6 acres of land.

5-24 SECTION 3. (a) The legal notice of the intention to
5-25 introduce this Act, setting forth the general substance of this
5-26 Act, has been published as provided by law, and the notice and a
5-27 copy of this Act have been furnished to all persons, agencies,
5-28 officials, or entities to which they are required to be furnished
5-29 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-30 Government Code.

5-31 (b) The governor, one of the required recipients, has
5-32 submitted the notice and Act to the Texas Commission on
5-33 Environmental Quality.

5-34 (c) The Texas Commission on Environmental Quality has filed
5-35 its recommendations relating to this Act with the governor, the
5-36 lieutenant governor, and the speaker of the house of
5-37 representatives within the required time.

5-38 (d) All requirements of the constitution and laws of this
5-39 state and the rules and procedures of the legislature with respect
5-40 to the notice, introduction, and passage of this Act are fulfilled
5-41 and accomplished.

5-42 SECTION 4. (a) If this Act does not receive a two-thirds
5-43 vote of all the members elected to each house, Subchapter C, Chapter
5-44 7940A, Special District Local Laws Code, as added by Section 1 of
5-45 this Act, is amended by adding Section 7940A.0307 to read as
5-46 follows:

5-47 Sec. 7940A.0307. NO EMINENT DOMAIN POWER. The district may
5-48 not exercise the power of eminent domain.

5-49 (b) This section is not intended to be an expression of a
5-50 legislative interpretation of the requirements of Section 17(c),
5-51 Article I, Texas Constitution.

5-52 SECTION 5. This Act takes effect immediately if it receives
5-53 a vote of two-thirds of all the members elected to each house, as
5-54 provided by Section 39, Article III, Texas Constitution. If this
5-55 Act does not receive the vote necessary for immediate effect, this
5-56 Act takes effect September 1, 2021.

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