

By: Gates

H.B. No. 5312

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Fort Bend County Municipal Utility District No. 147; providing authority to issue bonds and impose fees and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7967A to read as follows:

CHAPTER 7967A. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 147

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7967A.0101. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "District" means the Fort Bend County Municipal Utility District No. 147.

Sec. 7967A.0102. NATURE AND PURPOSES OF DISTRICT. The district is a municipal utility district in Fort Bend County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 7967A.0201. DEFINED AREAS. (a) Notwithstanding the limitation on authorization based on acreage under Section 54.801(a), Water Code, the district may establish and administer defined areas as provided by Subchapter J, Chapter 54, Water Code.

1 (b) Under Section 52, Article III, Texas Constitution, the
2 district may construct, acquire, improve, maintain, or operate in a
3 defined area established under this section:

4 (1) macadamized, graveled, or paved roads; or

5 (2) improvements, including storm drainage, in aid of
6 those roads.

7 (c) The district may issue bonds or other obligations as
8 provided by Chapters 49 and 54, Water Code, to finance the
9 construction, acquisition, improvement, maintenance, or operation
10 of projects under Subsection (b).

11 (d) The district may impose an ad valorem tax on real
12 property in a defined area to pay the principal of or interest on
13 bonds issued under Subsection (c) to finance projects benefiting
14 the defined area.

15 (e) The district may not issue bonds or other obligations
16 secured wholly or partly by ad valorem taxes to finance a project
17 authorized by Subsection (b) unless the issuance is approved by a
18 vote of a two-thirds majority of the voters of the defined area to
19 be benefited by the project as provided by Subchapter J, Chapter 54,
20 Water Code, voting at an election called for that purpose.

21 (f) At the time of issuance, the total principal amount of
22 bonds or other obligations issued or incurred to finance projects
23 authorized by Subsection (b) benefiting a defined area may not
24 exceed one-fourth of the assessed value of the real property in the
25 defined area.

26 Sec. 7967A.0202. AUTHORITY FOR ROAD PROJECTS. (a) Under
27 Section 52, Article III, Texas Constitution, the district may

1 design, acquire, construct, finance, issue bonds for, improve, and
2 convey to this state, a county, or a municipality for operation and
3 maintenance macadamized, graveled, or paved roads described by
4 Section 54.234, Water Code, or improvements, including storm
5 drainage, in aid of those roads.

6 (b) The district may exercise the powers provided by this
7 section without submitting a petition to or obtaining approval from
8 the commission as required by Section 54.234, Water Code.

9 Sec. 7967A.0203. APPROVAL OF ROAD PROJECT. (a) The
10 district may not undertake a road project authorized by Section
11 7967A.0202 unless:

12 (1) each municipality or county that will operate and
13 maintain the road has approved the plans and specifications of the
14 road project, if a municipality or county will operate and maintain
15 the road; or

16 (2) the Texas Transportation Commission has approved
17 the plans and specifications of the road project, if the state will
18 operate and maintain the road.

19 (b) Except as provided by Subsection (a), the district is
20 not required to obtain approval from the Texas Transportation
21 Commission to design, acquire, construct, finance, issue bonds for,
22 improve, or convey a road project.

23 Sec. 7967A.0204. COMPLIANCE WITH MUNICIPAL CONSENT
24 ORDINANCE OR RESOLUTION. The district shall comply with all
25 applicable requirements of any ordinance or resolution that is
26 adopted under Section 54.016 or 54.0165, Water Code, and that
27 consents to the creation of the district or to the inclusion of land

1 in the district.

2 Sec. 7967A.0205. LIMITATION ON USE OF EMINENT DOMAIN. The
3 district may not exercise the power of eminent domain outside the
4 district boundaries to acquire a site or easement for a road project
5 authorized by Section 7967A.0202.

6 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

7 Sec. 7967A.0301. AUTHORITY TO ISSUE BONDS AND OTHER
8 OBLIGATIONS. The district may issue bonds or other obligations
9 payable wholly or partly from ad valorem taxes, impact fees,
10 revenue, contract payments, grants, or other district money, or any
11 combination of those sources, to pay for any authorized district
12 purpose.

13 Sec. 7967A.0302. TAXES FOR BONDS. At the time the district
14 issues bonds payable wholly or partly from ad valorem taxes, the
15 board shall provide for the annual imposition of a continuing
16 direct ad valorem tax, without limit as to rate or amount, while all
17 or part of the bonds are outstanding as required and in the manner
18 provided by Sections 54.601 and 54.602, Water Code.

19 Sec. 7967A.0303. BONDS FOR ROAD PROJECTS. At the time of
20 issuance, the total principal amount of bonds or other obligations
21 issued or incurred to finance road projects and payable from ad
22 valorem taxes may not exceed one-fourth of the assessed value of the
23 real property in the district.

24 SECTION 2. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

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

7 (c) The Texas Commission on Environmental Quality has filed
8 its recommendations relating to this Act with the governor, the
9 lieutenant governor, and the speaker of the house of
10 representatives within the required time.

11 (d) All requirements of the constitution and laws of this
12 state and the rules and procedures of the legislature with respect
13 to the notice, introduction, and passage of this Act are fulfilled
14 and accomplished.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2023.