

1-1 By: Gates (Senate Sponsor - Kolkhorst) H.B. No. 5312
1-2 (In the Senate - Received from the House May 15, 2023;
1-3 May 15, 2023, read first time and referred to Committee on Local
1-4 Government; May 19, 2023, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the powers and duties of the Fort Bend County Municipal
1-20 Utility District No. 147; providing authority to issue bonds and
1-21 impose fees and taxes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-24 Code, is amended by adding Chapter 7967A to read as follows:

1-25 CHAPTER 7967A. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 147

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 7967A.0101. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "Commission" means the Texas Commission on
1-30 Environmental Quality.

1-31 (3) "District" means the Fort Bend County Municipal
1-32 Utility District No. 147.

1-33 Sec. 7967A.0102. NATURE AND PURPOSES OF DISTRICT. The
1-34 district is a municipal utility district in Fort Bend County
1-35 created under and essential to accomplish the purposes of Section
1-36 52, Article III, and Section 59, Article XVI, Texas Constitution.

1-37 SUBCHAPTER B. POWERS AND DUTIES

1-38 Sec. 7967A.0201. DEFINED AREAS. (a) Notwithstanding the
1-39 limitation on authorization based on acreage under Section
1-40 54.801(a), Water Code, the district may establish and administer
1-41 defined areas as provided by Subchapter J, Chapter 54, Water Code.

1-42 (b) Under Section 52, Article III, Texas Constitution, the
1-43 district may construct, acquire, improve, maintain, or operate in a
1-44 defined area established under this section:

1-45 (1) macadamized, graveled, or paved roads; or

1-46 (2) improvements, including storm drainage, in aid of
1-47 those roads.

1-48 (c) The district may issue bonds or other obligations as
1-49 provided by Chapters 49 and 54, Water Code, to finance the
1-50 construction, acquisition, improvement, maintenance, or operation
1-51 of projects under Subsection (b).

1-52 (d) The district may impose an ad valorem tax on real
1-53 property in a defined area to pay the principal of or interest on
1-54 bonds issued under Subsection (c) to finance projects benefiting
1-55 the defined area.

1-56 (e) The district may not issue bonds or other obligations
1-57 secured wholly or partly by ad valorem taxes to finance a project
1-58 authorized by Subsection (b) unless the issuance is approved by a
1-59 vote of a two-thirds majority of the voters of the defined area to
1-60 be benefited by the project as provided by Subchapter J, Chapter 54,
1-61 Water Code, voting at an election called for that purpose.

2-1 (f) At the time of issuance, the total principal amount of
 2-2 bonds or other obligations issued or incurred to finance projects
 2-3 authorized by Subsection (b) benefiting a defined area may not
 2-4 exceed one-fourth of the assessed value of the real property in the
 2-5 defined area.

2-6 Sec. 7967A.0202. AUTHORITY FOR ROAD PROJECTS. (a) Under
 2-7 Section 52, Article III, Texas Constitution, the district may
 2-8 design, acquire, construct, finance, issue bonds for, improve, and
 2-9 convey to this state, a county, or a municipality for operation and
 2-10 maintenance macadamized, graveled, or paved roads described by
 2-11 Section 54.234, Water Code, or improvements, including storm
 2-12 drainage, in aid of those roads.

2-13 (b) The district may exercise the powers provided by this
 2-14 section without submitting a petition to or obtaining approval from
 2-15 the commission as required by Section 54.234, Water Code.

2-16 Sec. 7967A.0203. APPROVAL OF ROAD PROJECT. (a) The
 2-17 district may not undertake a road project authorized by Section
 2-18 7967A.0202 unless:

2-19 (1) each municipality or county that will operate and
 2-20 maintain the road has approved the plans and specifications of the
 2-21 road project, if a municipality or county will operate and maintain
 2-22 the road; or

2-23 (2) the Texas Transportation Commission has approved
 2-24 the plans and specifications of the road project, if the state will
 2-25 operate and maintain the road.

2-26 (b) Except as provided by Subsection (a), the district is
 2-27 not required to obtain approval from the Texas Transportation
 2-28 Commission to design, acquire, construct, finance, issue bonds for,
 2-29 improve, or convey a road project.

2-30 Sec. 7967A.0204. COMPLIANCE WITH MUNICIPAL CONSENT
 2-31 ORDINANCE OR RESOLUTION. The district shall comply with all
 2-32 applicable requirements of any ordinance or resolution that is
 2-33 adopted under Section 54.016 or 54.0165, Water Code, and that
 2-34 consents to the creation of the district or to the inclusion of land
 2-35 in the district.

2-36 Sec. 7967A.0205. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-37 district may not exercise the power of eminent domain outside the
 2-38 district boundaries to acquire a site or easement for a road project
 2-39 authorized by Section 7967A.0202.

2-40 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2-41 Sec. 7967A.0301. AUTHORITY TO ISSUE BONDS AND OTHER
 2-42 OBLIGATIONS. The district may issue bonds or other obligations
 2-43 payable wholly or partly from ad valorem taxes, impact fees,
 2-44 revenue, contract payments, grants, or other district money, or any
 2-45 combination of those sources, to pay for any authorized district
 2-46 purpose.

2-47 Sec. 7967A.0302. TAXES FOR BONDS. At the time the district
 2-48 issues bonds payable wholly or partly from ad valorem taxes, the
 2-49 board shall provide for the annual imposition of a continuing
 2-50 direct ad valorem tax, without limit as to rate or amount, while all
 2-51 or part of the bonds are outstanding as required and in the manner
 2-52 provided by Sections 54.601 and 54.602, Water Code.

2-53 Sec. 7967A.0303. BONDS FOR ROAD PROJECTS. At the time of
 2-54 issuance, the total principal amount of bonds or other obligations
 2-55 issued or incurred to finance road projects and payable from ad
 2-56 valorem taxes may not exceed one-fourth of the assessed value of the
 2-57 real property in the district.

2-58 SECTION 2. (a) The legal notice of the intention to
 2-59 introduce this Act, setting forth the general substance of this
 2-60 Act, has been published as provided by law, and the notice and a
 2-61 copy of this Act have been furnished to all persons, agencies,
 2-62 officials, or entities to which they are required to be furnished
 2-63 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 2-64 Government Code.

2-65 (b) The governor, one of the required recipients, has
 2-66 submitted the notice and Act to the Texas Commission on
 2-67 Environmental Quality.

2-68 (c) The Texas Commission on Environmental Quality has filed
 2-69 its recommendations relating to this Act with the governor, the

3-1 lieutenant governor, and the speaker of the house of
3-2 representatives within the required time.

3-3 (d) All requirements of the constitution and laws of this
3-4 state and the rules and procedures of the legislature with respect
3-5 to the notice, introduction, and passage of this Act are fulfilled
3-6 and accomplished.

3-7 SECTION 3. This Act takes effect immediately if it receives
3-8 a vote of two-thirds of all the members elected to each house, as
3-9 provided by Section 39, Article III, Texas Constitution. If this
3-10 Act does not receive the vote necessary for immediate effect, this
3-11 Act takes effect September 1, 2023.

3-12

* * * * *