

1-1 By: Hegar (Senate Sponsor - Armbrister) H.B. No. 3580
1-2 (In the Senate - Received from the House May 20, 2005;
1-3 May 20, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 21, 2005, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 21, 2005, sent to printer.)

1-6 HOUSE COMMITTEE SUBSTITUTE FOR H.B. NO. 3580 RECEIVED IN THE FORM OF
1-7 ENGROSSED RIDER IN LIEU OF A FULL ENGROSSMENT

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Fort Bend County Municipal Utility
1-11 District No. 181; providing authority to impose a tax and issue
1-12 bonds; granting the power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8155 to read as follows:

1-16 CHAPTER 8155. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 181

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8155.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the
1-20 district.

1-21 (2) "Director" means a member of the board.

1-22 (3) "District" means the Fort Bend County Municipal
1-23 Utility District No. 181.

1-24 Sec. 8155.002. NATURE OF DISTRICT. The district is a
1-25 municipal utility district in Fort Bend County created under and
1-26 essential to accomplish the purposes of Section 52, Article III,
1-27 and Section 59, Article XVI, Texas Constitution.

1-28 Sec. 8155.003. CONFIRMATION ELECTION REQUIRED. If the
1-29 creation of the district is not confirmed at a confirmation
1-30 election held under Section 8155.023 before September 1, 2007:

1-31 (1) the district is dissolved September 1, 2007,
1-32 except that:

1-33 (A) any debts incurred shall be paid;

1-34 (B) any assets that remain after the payment of
1-35 debts shall be transferred to Fort Bend County; and

1-36 (C) the organization of the district shall be
1-37 maintained until all debts are paid and remaining assets are
1-38 transferred; and

1-39 (2) this chapter expires September 1, 2010.

1-40 Sec. 8155.004. INITIAL DISTRICT TERRITORY. (a) The
1-41 district is initially composed of the territory described by
1-42 Section 2 of the Act creating this chapter.

1-43 (b) The boundaries and field notes contained in Section 2 of
1-44 the Act creating this chapter form a closure. A mistake made in the
1-45 field notes or in copying the field notes in the legislative process
1-46 does not affect:

1-47 (1) the organization, existence, or validity of the
1-48 district;

1-49 (2) the right of the district to impose taxes;

1-50 (3) the validity of the district's bonds, notes, or
1-51 indebtedness; or

1-52 (4) the legality or operation of the district or the
1-53 board.

1-54 [Sections 8155.005-8155.020 reserved for expansion]

1-55 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-56 Sec. 8155.021. TEMPORARY DIRECTORS. (a) On or after
1-57 September 1, 2005, a person who owns land in the district may
1-58 petition the Texas Commission on Environmental Quality to appoint
1-59 as temporary directors the five persons listed in the petition.

1-60 (b) The commission shall appoint as temporary directors the
1-61 persons listed in a petition received by the commission under

2-1 Subsection (a). If the commission receives more than one petition,
 2-2 the commission shall appoint the directors listed in the first
 2-3 petition the commission receives.

2-4 (c) If a temporary director fails to qualify for office, the
 2-5 commission shall appoint a person to fill the vacancy.

2-6 (d) Temporary directors serve until the earlier of:

2-7 (1) the date directors are elected under Section
 2-8 8155.023; or

2-9 (2) the date this chapter expires under Section
 2-10 8155.003.

2-11 Sec. 8155.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-12 DIRECTORS. As soon as practicable after all the temporary
 2-13 directors have qualified under Section 49.055, Water Code, the
 2-14 temporary directors shall meet at a location in the district
 2-15 agreeable to a majority of the directors. If a location cannot be
 2-16 agreed upon, the meeting shall be at the Fort Bend County
 2-17 Courthouse. At the meeting, the temporary directors shall elect
 2-18 officers from among the temporary directors.

2-19 Sec. 8155.023. CONFIRMATION AND INITIAL DIRECTORS'
 2-20 ELECTION. The temporary directors shall hold an election to
 2-21 confirm the creation of the district and to elect five directors as
 2-22 provided by Section 49.102, Water Code.

2-23 Sec. 8155.024. INITIAL ELECTED DIRECTORS; TERMS. The
 2-24 directors elected under Section 8155.023 shall draw lots to
 2-25 determine which two shall serve until the first regularly scheduled
 2-26 election of directors under Section 8155.052 and which three shall
 2-27 serve until the second regularly scheduled election of directors.

2-28 Sec. 8155.025. EXPIRATION OF SUBCHAPTER. This subchapter
 2-29 expires September 1, 2010.

2-30 [Sections 8155.026-8155.050 reserved for expansion]

2-31 SUBCHAPTER B. BOARD OF DIRECTORS

2-32 Sec. 8155.051. DIRECTORS; TERMS. (a) The district is
 2-33 governed by a board of five directors.

2-34 (b) Directors serve staggered four-year terms.

2-35 Sec. 8155.052. ELECTION OF DIRECTORS. On the uniform
 2-36 election date in May of each even-numbered year, the appropriate
 2-37 number of directors shall be elected.

2-38 [Sections 8155.053-8155.100 reserved for expansion]

2-39 SUBCHAPTER C. POWERS AND DUTIES

2-40 Sec. 8155.101. GENERAL POWERS. The district has all of the
 2-41 rights, powers, privileges, authority, functions, and duties
 2-42 provided by the general law of this state, including Chapters 49 and
 2-43 54, Water Code, applicable to municipal utility districts created
 2-44 under Section 59, Article XVI, Texas Constitution.

2-45 Sec. 8155.102. ROAD PROJECTS. (a) The district may
 2-46 construct, acquire, improve, maintain, or operate macadamized,
 2-47 graveled, or paved roads or turnpikes, or improvements in aid of
 2-48 those roads or turnpikes, inside the district.

2-49 (b) A road project must meet all applicable construction
 2-50 standards, zoning and subdivision requirements, and regulatory
 2-51 ordinances of the municipality or county in whose jurisdiction the
 2-52 district is located.

2-53 (c) The district may not undertake a road project unless
 2-54 each municipality or county in whose jurisdiction the district is
 2-55 located consents by ordinance or resolution.

2-56 Sec. 8155.103. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-57 district may exercise the power of eminent domain outside the
 2-58 district only to acquire an easement necessary for a pipeline that
 2-59 serves the district.

2-60 Sec. 8155.104. DIVISION OF DISTRICT. (a) Except as
 2-61 provided by Subsection (c), the district may be divided into two new
 2-62 districts only if the district:

2-63 (1) has no outstanding bonded debt;

2-64 (2) is not imposing ad valorem taxes; and

2-65 (3) has not annexed land.

2-66 (b) The division procedure is prescribed by Sections 53.030
 2-67 through 53.041, Water Code. Any new district created by the
 2-68 division of the district has all the powers and duties of the
 2-69 district.

3-1 (c) A new district created by the division described by
3-2 Subsection (a) is subject to the restrictions prescribed by
3-3 Subsections (a)(1) and (2). If the new district annexes land, that
3-4 new district may not again divide if the result is that the annexed
3-5 land wholly constitutes one of the districts created by the
3-6 division of the new district.

3-7 Sec. 8155.105. COMPLIANCE WITH MUNICIPAL CONSENT
3-8 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
3-9 54.016, Water Code, the district shall comply with all applicable
3-10 requirements of any ordinance or resolution adopted by the city
3-11 council of the City of Beasley, including an ordinance or
3-12 resolution adopted before September 1, 2005, that consents to the
3-13 creation of the district or to the inclusion of lands within the
3-14 district.

3-15 [Sections 8155.106-8155.150 reserved for expansion]

3-16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-17 Sec. 8155.151. TAX TO REPAY BONDS. The district may impose
3-18 a tax to pay the principal of or interest on bonds issued under
3-19 Section 8155.201.

3-20 Sec. 8155.152. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
3-21 ASSESSMENTS. The district may not impose an impact fee or
3-22 assessment on the property, including the equipment,
3-23 rights-of-way, facilities, or improvements, of:

3-24 (1) an electric utility or a power generation company
3-25 as defined by Section 31.002, Utilities Code;

3-26 (2) a gas utility as defined by Section 101.003 or
3-27 121.001, Utilities Code;

3-28 (3) a telecommunications provider as defined by
3-29 Section 51.002, Utilities Code; or

3-30 (4) a person who provides to the public cable
3-31 television or advanced telecommunications services.

3-32 [Sections 8155.153-8155.200 reserved for expansion]

3-33 SUBCHAPTER E. BONDS

3-34 Sec. 8155.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-35 OBLIGATIONS. (a) The district may issue bonds or other obligations
3-36 as provided by Chapters 49 and 54, Water Code, to finance the
3-37 construction, maintenance, or operation of projects under Section
3-38 8155.101 or 8155.102.

3-39 (b) The district may not issue bonds to finance projects
3-40 authorized by Section 8155.102 unless the issuance is approved by a
3-41 vote of a two-thirds majority of the voters of the district voting
3-42 at an election called for that purpose.

3-43 (c) Bonds or other obligations issued or incurred to finance
3-44 projects authorized by Section 8155.102 may not exceed one-fourth
3-45 of the assessed value of the real property in the district.

3-46 (d) Sections 49.181 and 49.182, Water Code, do not apply to
3-47 a project undertaken by the district under Section 8155.102 or to
3-48 bonds issued by the district to finance the project.

3-49 SECTION 2. The Fort Bend County Municipal Utility District
3-50 No. 181 initially includes all the territory contained in the
3-51 following area:

3-52 Field notes for a 288.37 acre tract of land in the Samuel Cross
3-53 Survey, Abstract 397, Fort Bend County, Texas, being out of the
3-54 residue of a called 320 acre tract set aside to Thomas R. Booth and
3-55 described in deed recorded in Volume 17, Page 50, Deed Records, Fort
3-56 Bend County, Texas, said 288.37 acre tract also being out of Lots 1,
3-57 4, 5, 6, 7, 10 and 11 of the Cobb & Booth Subdivision, according to
3-58 map or plat thereof recorded in Volume 2, Page 18, Plat Records,
3-59 Fort Bend County, Texas.

3-60 Beginning at the east corner of said Samuel Cross survey, Abstract
3-61 397, same being the south corner of the I. & G. N. Railroad Company
3-62 Survey, Abstract 351, said point also being the east corner of said
3-63 called 320 acre tract, for the Place of Beginning of the herein
3-64 described 288.37 acre tract of land, and being in the northwest line
3-65 of the H. Brodbeck Survey, Abstract 687;

3-66 Thence South 45° West along the southeast line of the herein
3-67 described tract and the southeast line of said called 320 acre
3-68 tract, same being the common line of the Samuel Cross Survey,
3-69 Abstract 397, and the H. Brodbeck Survey, Abstract 687, 2,640.28

4-1 feet to a point in the centerline of Hardin Road for the south
4-2 corner of the herein described tract and the south corner of said
4-3 called 320 acre tract;
4-4 Thence North 45° West along the southwest line of the herein
4-5 described tract and the southwest line of said called 320 acre
4-6 tract, as located in Hardin Road, 5,280.56 feet to a point for the
4-7 west corner of the herein described tract and the west corner of
4-8 said called 320 acre tract, said point being in the common line of
4-9 the Samuel Cross Survey, Abstract 397, and the B.B.B. & C. Survey,
4-10 Abstract 141;
4-11 Thence North 45° East along the northwesterly line of the herein
4-12 described tract, 105 feet to a point on said line at its
4-13 intersection with the southeasterly right-of-way of US Highway 59,
4-14 and being an angle point in said northwesterly line;
4-15 Thence North 68° 14 minutes 55 seconds East along the southeasterly
4-16 right-of-way of U.S. Highway 59, 2,759.34 feet to a point for the
4-17 north corner of the herein described tract, said point being in the
4-18 northeast line of said called 320 acre tract, same being the common
4-19 line of the Samuel Cross Survey, Abstract 397, and the I. & G. N.
4-20 Railroad Company Survey, Abstract 351;
4-21 Thence South 45° East along the northeast line of the herein
4-22 described tract and the northeast line of said called 320 acre
4-23 tract, same being the common line of the Samuel Cross Survey,
4-24 Abstract 397, and the I. & G. N. Railroad Company Survey, Abstract
4-25 351, 4,191.39 feet to the Place of Beginning and containing 288.37
4-26 acres of land, more or less.
4-27 This description is based upon available records and does not
4-28 represent an actual on the ground survey.
4-29 SECTION 3. (a) The legal notice of the intention to
4-30 introduce this Act, setting forth the general substance of this
4-31 Act, has been published as provided by law, and the notice and a
4-32 copy of this Act have been furnished to all persons, agencies,
4-33 officials, or entities to which they are required to be furnished
4-34 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-35 Government Code.
4-36 (b) The governor, one of the required recipients, has
4-37 submitted the notice and Act to the Texas Commission on
4-38 Environmental Quality.
4-39 (c) The Texas Commission on Environmental Quality has filed
4-40 its recommendations relating to this Act with the governor, the
4-41 lieutenant governor, and the speaker of the house of
4-42 representatives within the required time.
4-43 (d) All requirements of the constitution and laws of this
4-44 state and the rules and procedures of the legislature with respect
4-45 to the notice, introduction, and passage of this Act are fulfilled
4-46 and accomplished.
4-47 SECTION 4. This Act takes effect September 1, 2005.

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