

1-1 By: Zerwas (Senate Sponsor - Hegar) H.B. No. 1113
1-2 (In the Senate - Received from the House May 6, 2009;
1-3 May 7, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2009, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 4,
1-6 Nays 0; May 18, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1113 By: Nichols

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

1-10 relating to the powers and duties of the Fort Bend County Municipal
1-11 Utility District No. 194; providing authority to impose a tax and
1-12 issue bonds.

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 8317 to read as follows:

1-16 CHAPTER 8317. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 194

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8317.001. DEFINITION. In this chapter, "district"
1-19 means the Fort Bend County Municipal Utility District No. 194.

1-20 Sec. 8317.002. NATURE AND PURPOSES OF DISTRICT. (a) The
1-21 district is a municipal utility district created under and
1-22 essential to accomplish the purposes of Section 59, Article XVI,
1-23 Texas Constitution.

1-24 (b) The district is essential to accomplish the purposes of
1-25 Section 52, Article III, Texas Constitution, that relate to the
1-26 construction, acquisition, or improvement of macadamized,
1-27 graveled, or paved roads described by Section 54.234, Water Code,
1-28 or improvements, including storm drainage, in aid of those roads.

1-29 [Sections 8317.003-8317.050 reserved for expansion]

1-30 SUBCHAPTER B. POWERS AND DUTIES

1-31 Sec. 8317.051. GENERAL POWERS AND DUTIES. The district has
1-32 the powers and duties necessary to accomplish the purposes
1-33 described by Section 8317.002.

1-34 Sec. 8317.052. MUNICIPAL UTILITY DISTRICT POWERS AND
1-35 DUTIES. The district has the powers and duties provided by the
1-36 general law of this state, including Chapters 49 and 54, Water Code,
1-37 applicable to municipal utility districts created under Section 59,
1-38 Article XVI, Texas Constitution.

1-39 Sec. 8317.053. AUTHORITY FOR ROAD PROJECTS. (a) Under
1-40 Section 52, Article III, Texas Constitution, the district may
1-41 design, acquire, construct, finance, issue bonds for, improve, and
1-42 convey to this state, a county, or a municipality for operation and
1-43 maintenance macadamized, graveled, or paved roads described by
1-44 Section 54.234, Water Code, or improvements, including storm
1-45 drainage, in aid of those roads.

1-46 (b) The district may exercise the powers provided by this
1-47 section without submitting a petition to or obtaining approval from
1-48 the Texas Commission on Environmental Quality as required by
1-49 Section 54.234, Water Code.

1-50 Sec. 8317.054. APPROVAL OF ROAD PROJECT. (a) The district
1-51 may not undertake a road project authorized by Section 8317.053
1-52 unless:

1-53 (1) each municipality or county that will operate and
1-54 maintain the road has approved the plans and specifications of the
1-55 road project, if a municipality or county will operate and maintain
1-56 the road; or

1-57 (2) the Texas Transportation Commission has approved
1-58 the plans and specifications of the road project, if the state will
1-59 operate and maintain the road.

1-60 (b) Except as provided by Subsection (a), the district is
1-61 not required to obtain approval from the Texas Transportation
1-62 Commission to design, acquire, construct, finance, issue bonds for,
1-63 improve, or convey a road project.

2-1 Sec. 8317.055. LIMITATION ON USE OF EMINENT DOMAIN. The
2-2 district may not exercise the power of eminent domain outside the
2-3 district to acquire a site or easement for a road project authorized
2-4 by Section 8317.053.

2-5 [Sections 8317.056-8317.100 reserved for expansion]

2-6 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2-7 Sec. 8317.101. AUTHORITY TO ISSUE BONDS AND OTHER
2-8 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
2-9 other obligations payable wholly or partly from ad valorem taxes,
2-10 impact fees, revenue, contract payments, grants, or other district
2-11 money, or any combination of those sources, to pay for a road
2-12 project authorized by Section 8317.053.

2-13 (b) The district may not issue bonds payable from ad valorem
2-14 taxes to finance a road project unless the issuance is approved by a
2-15 vote of a two-thirds majority of the district voters voting at an
2-16 election held for that purpose.

2-17 (c) At the time of issuance, the total principal amount of
2-18 bonds or other obligations issued or incurred to finance road
2-19 projects and payable from ad valorem taxes may not exceed
2-20 one-fourth of the assessed value of the real property in the
2-21 district.

2-22 Sec. 8317.102. TAXES FOR BONDS. At the time the district
2-23 issues bonds payable wholly or partly from ad valorem taxes, the
2-24 district shall provide for the annual imposition of a continuing
2-25 direct ad valorem tax, without limit as to rate or amount, while all
2-26 or part of the bonds are outstanding as required and in the manner
2-27 provided by Sections 54.601 and 54.602, Water Code.

2-28 SECTION 2. The Fort Bend County Municipal Utility District
2-29 No. 194 retains all the rights, powers, privileges, authority,
2-30 duties, and functions that it had before the effective date of this
2-31 Act.

2-32 SECTION 3. (a) The legal notice of the intention to
2-33 introduce this Act, setting forth the general substance of this
2-34 Act, has been published as provided by law, and the notice and a
2-35 copy of this Act have been furnished to all persons, agencies,
2-36 officials, or entities to which they are required to be furnished
2-37 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-38 Government Code.

2-39 (b) The governor, one of the required recipients, has
2-40 submitted the notice and Act to the Texas Commission on
2-41 Environmental Quality.

2-42 (c) The Texas Commission on Environmental Quality has filed
2-43 its recommendations relating to this Act with the governor, the
2-44 lieutenant governor, and the speaker of the house of
2-45 representatives within the required time.

2-46 (d) All requirements of the constitution and laws of this
2-47 state and the rules and procedures of the legislature with respect
2-48 to the notice, introduction, and passage of this Act are fulfilled
2-49 and accomplished.

2-50 SECTION 4. This Act takes effect immediately if it receives
2-51 a vote of two-thirds of all the members elected to each house, as
2-52 provided by Section 39, Article III, Texas Constitution. If this
2-53 Act does not receive the vote necessary for immediate effect, this
2-54 Act takes effect September 1, 2009.

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