

1-1 By: Hegar S.B. No. 748  
1-2 (In the Senate - Filed February 10, 2009; February 25, 2009,  
1-3 read first time and referred to Committee on Intergovernmental  
1-4 Relations; April 28, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 April 28, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 748 By: Gallegos

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. 161; providing authority to impose a tax and  
1-12 issue bonds; granting a limited 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 8338 to read as follows:

1-16 CHAPTER 8338. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 161

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8338.001. DEFINITION. In this chapter, "district"  
1-19 means the Fort Bend County Municipal Utility District No. 161.

1-20 Sec. 8338.002. 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 8338.003-8338.050 reserved for expansion]

1-30 SUBCHAPTER B. POWERS AND DUTIES

1-31 Sec. 8338.051. GENERAL POWERS AND DUTIES. The district has  
1-32 the powers and duties necessary to accomplish the purposes  
1-33 described by Section 8338.002.

1-34 Sec. 8338.052. 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. 8338.053. 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. 8338.054. APPROVAL OF ROAD PROJECT. (a) The district  
1-51 may not undertake a road project authorized by Section 8338.053  
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. 8338.055. 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 8338.053.

2-5 [Sections 8338.056-8338.100 reserved for expansion]

2-6 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2-7 Sec. 8338.101. AUTHORITY TO ISSUE BONDS AND OTHER  
2-8 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds  
2-9 or other obligations payable wholly or partly from ad valorem  
2-10 taxes, impact fees, revenue, contract payments, grants, or other  
2-11 district money, or any combination of those sources, to pay for a  
2-12 road project authorized by Section 8338.053.

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. 8338.102. 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. 161 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.

2-55 \* \* \* \* \*