

1-1 By: Hegar S.B. No. 844
1-2 (In the Senate - Filed February 13, 2009; March 4, 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. 844 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. 194; 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 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.

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

[Sections 8317.056-8317.100 reserved for expansion]

SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

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

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

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

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

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

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

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

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

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

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

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