

By: Zerwas

H.B. No. 3888

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers of the Fort Bend County Municipal Utility
3 District No. 188, including powers related to the construction,
4 operation, and financing of roads; providing authority to issue
5 bonds and impose a tax.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 8470 to read as follows:

9 CHAPTER 8470. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 188

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8470.001. DEFINITION. In this chapter, "district"
12 means the Fort Bend County Municipal Utility District No. 188.

13 Sec. 8470.002. NATURE OF DISTRICT. The district is a
14 municipal utility district in Fort Bend County created under and
15 essential to accomplish the purposes of Section 59, Article XVI,
16 Texas Constitution.

17 Sec. 8470.003. APPLICABILITY OF OTHER LAW. Except as
18 otherwise provided by this chapter, the following laws apply to the
19 district:

20 (1) Chapters 49 and 54, Water Code, including
21 Subchapter J, Chapter 54, Water Code; and

22 (2) Section 52(b)(3), Article III, Texas
23 Constitution.

1 SUBCHAPTER B. ADDITIONAL POWERS AND DUTIES

2 Sec. 8470.051. AUTHORITY FOR ROAD PROJECTS. Under Section
3 52, Article III, Texas Constitution, the district may design,
4 acquire, construct, finance, issue bonds for, improve, operate,
5 maintain, and convey to this state, a county, or a municipality for
6 operation and maintenance macadamized, graveled, or paved roads, or
7 improvements, including storm drainage, in aid of those roads.

8 Sec. 8470.052. ROAD STANDARDS AND REQUIREMENTS. (a) A road
9 project must meet all applicable construction standards, zoning and
10 subdivision requirements, and regulations of each municipality in
11 whose corporate limits or extraterritorial jurisdiction the road
12 project is located.

13 (b) If a road project is not located in the corporate limits
14 or extraterritorial jurisdiction of a municipality, the road
15 project must meet all applicable construction standards,
16 subdivision requirements, and regulations of each county in which
17 the road project is located.

18 (c) If the state will maintain and operate the road, the
19 Texas Transportation Commission must approve the plans and
20 specifications of the road project.

21 Sec. 8470.053. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
22 OR RESOLUTION. The district shall comply with all applicable
23 requirements of any ordinance or resolution adopted by the
24 governing body of the municipality that consents to the creation of
25 the district or to the inclusion of land in the district.

26 SUBCHAPTER C. GENERAL FINANCIAL PROVISIONS

27 Sec. 8470.101. TAX TO REPAY BONDS FOR ROAD PROJECTS. The

1 district may impose a tax to pay the principal of or interest on
2 bonds issued under Section 8470.151.

3 SUBCHAPTER D. BONDS

4 Sec. 8470.151. AUTHORITY TO ISSUE BONDS FOR ROAD PROJECTS.

5 (a) The district may issue bonds or other obligations as provided
6 by Chapters 49 and 54, Water Code, to finance the construction,
7 maintenance, or operation of projects under Section 8470.051.

8 (b) The district may not issue bonds or other obligations
9 secured wholly or partly by ad valorem taxation to finance projects
10 authorized by Section 8470.051 unless the issuance is approved by a
11 vote of a two-thirds majority of the voters of the district or of
12 the defined area to be benefited by the project as provided by
13 Subchapter J, Chapter 54, Water Code, voting at an election called
14 for that purpose. The simple majority vote approval required by
15 Section 54.808(a), Water Code, does not apply to an election under
16 this subsection.

17 (c) Bonds or other obligations issued or incurred to finance
18 projects authorized by Section 8470.051 may not exceed one-fourth
19 of the assessed value of the real property in the district or the
20 defined area, if applicable.

21 SECTION 2. (a) The legal notice of the intention to
22 introduce this Act, setting forth the general substance of this
23 Act, has been published as provided by law, and the notice and a
24 copy of this Act have been furnished to all persons, agencies,
25 officials, or entities to which they are required to be furnished
26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
27 Government Code.

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

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

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

12 SECTION 3. This Act takes effect September 1, 2013.