

By: Kolkhorst

S.B. No. 2260

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Fort Bend County Municipal Utility District No. 130; providing authority to issue bonds; providing authority to impose a tax.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7994 to read as follows:

CHAPTER 7994. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 130

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7994.001. DEFINITION. In this chapter, "district" means the Fort Bend County Municipal Utility District No. 130.

Sec. 7994.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7994.003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of:

(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

1                   SUBCHAPTER B. POWERS AND DUTIES

2           Sec. 7994.051. GENERAL POWERS AND DUTIES. The district has  
3 the powers and duties necessary to accomplish the purposes for  
4 which the district is created.

5           Sec. 7994.052. MUNICIPAL UTILITY DISTRICT POWERS AND  
6 DUTIES. The district has the powers and duties provided by the  
7 general law of this state, including Chapters 49 and 54, Water Code,  
8 applicable to municipal utility districts created under Section 59,  
9 Article XVI, Texas Constitution.

10          Sec. 7994.053. AUTHORITY FOR ROAD PROJECTS. Under Section  
11 52, Article III, Texas Constitution, the district may design,  
12 acquire, construct, finance, issue bonds for, improve, operate,  
13 maintain, and convey to this state, a county, or a municipality for  
14 operation and maintenance macadamized, graveled, or paved roads, or  
15 improvements, including storm drainage, in aid of those roads.

16          Sec. 7994.054. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
17 project must meet all applicable construction standards, zoning and  
18 subdivision requirements, and regulations of each municipality in  
19 whose corporate limits or extraterritorial jurisdiction the road  
20 project is located.

21          (b) If a road project is not located in the corporate limits  
22 or extraterritorial jurisdiction of a municipality, the road  
23 project must meet all applicable construction standards,  
24 subdivision requirements, and regulations of each county in which  
25 the road project is located.

26          (c) If the state will maintain and operate the road, the  
27 Texas Transportation Commission must approve the plans and

1 specifications of the road project.

2 Sec. 7994.055. AUTHORITY TO ESTABLISH DEFINED AREAS.

3 Notwithstanding the acreage requirement under Section 54.801(a),  
4 Water Code, the district may establish and administer defined areas  
5 as provided by Subchapter J, Chapter 54, Water Code.

6 Sec. 7994.056. ADDITION OR EXCLUSION OF LAND IN DEFINED  
7 AREA. The district may add or exclude land from the defined areas  
8 in the same manner the district may add or exclude land from the  
9 district.

10 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

11 Sec. 7994.101. AUTHORITY TO ISSUE BONDS AND OTHER  
12 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or  
13 other obligations payable wholly or partly from ad valorem taxes,  
14 impact fees, revenue, contract payments, grants, or other district  
15 money, or any combination of those sources, to pay for a road  
16 project authorized by Section 7994.053.

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

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

26 Sec. 7994.102. TAXES FOR BONDS. At the time the district  
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 district shall provide for the annual imposition of a continuing  
2 direct ad valorem tax, without limit as to rate or amount, while all  
3 or part of the bonds are outstanding as required and in the manner  
4 provided by Sections 54.601 and 54.602, Water Code.

5 SECTION 2. The Fort Bend County Municipal Utility District  
6 No. 130 retains all the rights, powers, privileges, authority,  
7 duties, and functions that it had before the effective date of this  
8 Act.

9 SECTION 3. (a) The legislature validates and confirms all  
10 acts and proceedings of the board of directors of the Fort Bend  
11 County Municipal Utility District No. 130 that were taken before  
12 the effective date of this Act.

13 (b) Subsection (a) of this section does not apply to any  
14 matter that on the effective date of this Act:

15 (1) is involved in litigation if the litigation  
16 ultimately results in the matter being held invalid by a final  
17 judgment of a court; or

18 (2) has been held invalid by a final judgment of a  
19 court.

20 SECTION 4. (a) The legal notice of the intention to  
21 introduce this Act, setting forth the general substance of this  
22 Act, has been published as provided by law, and the notice and a  
23 copy of this Act have been furnished to all persons, agencies,  
24 officials, or entities to which they are required to be furnished  
25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
26 Government Code.

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on  
2 Environmental Quality.

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

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

11 SECTION 5. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2017.