

1-1 By: Zerwas (Senate Sponsor - Kolthorst) H.B. No. 1934  
1-2 (In the Senate - Received from the House April 15, 2019;  
1-3 April 16, 2019, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 6, 2019, reported favorably by  
1-5 the following vote: Yeas 7, Nays 0; May 6, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the creation of the Fort Bend County Municipal Utility  
1-18 District No. 229; granting a limited power of eminent domain;  
1-19 providing authority to issue bonds; providing authority to impose  
1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-23 Code, is amended by adding Chapter 8062 to read as follows:

1-24 CHAPTER 8062. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 229

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8062.0101. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on  
1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Fort Bend County Municipal  
1-32 Utility District No. 229.

1-33 Sec. 8062.0102. NATURE OF DISTRICT. The district is a  
1-34 municipal utility district created under Section 59, Article XVI,  
1-35 Texas Constitution.

1-36 Sec. 8062.0103. CONFIRMATION AND DIRECTOR ELECTION  
1-37 REQUIRED. The temporary directors shall hold an election to  
1-38 confirm the creation of the district and to elect five permanent  
1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8062.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
1-41 temporary directors may not hold an election under Section  
1-42 8062.0103 until each municipality in whose corporate limits or  
1-43 extraterritorial jurisdiction the district is located has  
1-44 consented by ordinance or resolution to the creation of the  
1-45 district and to the inclusion of land in the district.

1-46 Sec. 8062.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by  
1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that  
1-52 relate to the construction, acquisition, improvement, operation,  
1-53 or maintenance of macadamized, graveled, or paved roads, or  
1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8062.0106. INITIAL DISTRICT TERRITORY. (a) The  
1-56 district is initially composed of the territory described by  
1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of  
1-59 the Act enacting this chapter form a closure. A mistake made in the  
1-60 field notes or in copying the field notes in the legislative process  
1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8062.0201. GOVERNING BODY; TERMS. (a) The district is

2-9 governed by a board of five elected directors.

2-10 (b) Except as provided by Section 8062.0202, directors

2-11 serve staggered four-year terms.

2-12 Sec. 8062.0202. TEMPORARY DIRECTORS. (a) On or after the

2-13 effective date of the Act enacting this chapter, the owner or owners

2-14 of a majority of the assessed value of the real property in the

2-15 district may submit a petition to the commission requesting that

2-16 the commission appoint as temporary directors the five persons

2-17 named in the petition. The commission shall appoint as temporary

2-18 directors the five persons named in the petition.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 8062.0103; or

2-22 (2) the fourth anniversary of the effective date of

2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under

2-25 Section 8062.0103 and the terms of the temporary directors have

2-26 expired, successor temporary directors shall be appointed or

2-27 reappointed as provided by Subsection (d) to serve terms that

2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under

2-30 Section 8062.0103; or

2-31 (2) the fourth anniversary of the date of the

2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a

2-34 majority of the assessed value of the real property in the district

2-35 may submit a petition to the commission requesting that the

2-36 commission appoint as successor temporary directors the five

2-37 persons named in the petition. The commission shall appoint as

2-38 successor temporary directors the five persons named in the

2-39 petition.

2-40 SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8062.0301. GENERAL POWERS AND DUTIES. The district

2-42 has the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 8062.0302. MUNICIPAL UTILITY DISTRICT POWERS AND

2-45 DUTIES. The district has the powers and duties provided by the

2-46 general law of this state, including Chapters 49 and 54, Water Code,

2-47 applicable to municipal utility districts created under Section 59,

2-48 Article XVI, Texas Constitution.

2-49 Sec. 8062.0303. AUTHORITY FOR ROAD PROJECTS. Under Section

2-50 52, Article III, Texas Constitution, the district may design,

2-51 acquire, construct, finance, issue bonds for, improve, operate,

2-52 maintain, and convey to this state, a county, or a municipality for

2-53 operation and maintenance macadamized, graveled, or paved roads, or

2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 8062.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A

2-56 road project must meet all applicable construction standards,

2-57 zoning and subdivision requirements, and regulations of each

2-58 municipality in whose corporate limits or extraterritorial

2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits

2-61 or extraterritorial jurisdiction of a municipality, the road

2-62 project must meet all applicable construction standards,

2-63 subdivision requirements, and regulations of each county in which

2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the

2-66 Texas Transportation Commission must approve the plans and

2-67 specifications of the road project.

2-68 Sec. 8062.0305. COMPLIANCE WITH MUNICIPAL CONSENT

2-69 ORDINANCE OR RESOLUTION. The district shall comply with all

3-1 applicable requirements of any ordinance or resolution that is  
3-2 adopted under Section 54.016 or 54.0165, Water Code, and that  
3-3 consents to the creation of the district or to the inclusion of land  
3-4 in the district.

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 8062.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

3-7 The district may issue, without an election, bonds and other  
3-8 obligations secured by:

3-9 (1) revenue other than ad valorem taxes; or

3-10 (2) contract payments described by Section 8062.0403.

3-11 (b) The district must hold an election in the manner  
3-12 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-13 before the district may impose an ad valorem tax or issue bonds  
3-14 payable from ad valorem taxes.

3-15 (c) The district may not issue bonds payable from ad valorem  
3-16 taxes to finance a road project unless the issuance is approved by a  
3-17 vote of a two-thirds majority of the district voters voting at an  
3-18 election held for that purpose.

3-19 Sec. 8062.0402. OPERATION AND MAINTENANCE TAX. (a) If

3-20 authorized at an election held under Section 8062.0401, the  
3-21 district may impose an operation and maintenance tax on taxable  
3-22 property in the district in accordance with Section 49.107, Water  
3-23 Code.

3-24 (b) The board shall determine the tax rate. The rate may not  
3-25 exceed the rate approved at the election.

3-26 Sec. 8062.0403. CONTRACT TAXES. (a) In accordance with

3-27 Section 49.108, Water Code, the district may impose a tax other than  
3-28 an operation and maintenance tax and use the revenue derived from  
3-29 the tax to make payments under a contract after the provisions of  
3-30 the contract have been approved by a majority of the district voters  
3-31 voting at an election held for that purpose.

3-32 (b) A contract approved by the district voters may contain a  
3-33 provision stating that the contract may be modified or amended by  
3-34 the board without further voter approval.

3-35 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-36 Sec. 8062.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
3-37 OBLIGATIONS. The district may issue bonds or other obligations  
3-38 payable wholly or partly from ad valorem taxes, impact fees,  
3-39 revenue, contract payments, grants, or other district money, or any  
3-40 combination of those sources, to pay for any authorized district  
3-41 purpose.

3-42 Sec. 8062.0502. TAXES FOR BONDS. At the time the district  
3-43 issues bonds payable wholly or partly from ad valorem taxes, the  
3-44 board shall provide for the annual imposition of a continuing  
3-45 direct ad valorem tax, without limit as to rate or amount, while all  
3-46 or part of the bonds are outstanding as required and in the manner  
3-47 provided by Sections 54.601 and 54.602, Water Code.

3-48 Sec. 8062.0503. BONDS FOR ROAD PROJECTS. At the time of  
3-49 issuance, the total principal amount of bonds or other obligations  
3-50 issued or incurred to finance road projects and payable from ad  
3-51 valorem taxes may not exceed one-fourth of the assessed value of the  
3-52 real property in the district.

3-53 SECTION 2. The Fort Bend County Municipal Utility District  
3-54 No. 229 initially includes all the territory contained in the  
3-55 following area:

3-56 Being a 437.6585 acre tract of land located in the John Foster  
3-57 2-1/2 League, A-26, Fort Bend County, Texas; said 437.6585 acre  
3-58 tract being all of a called 200.00-acre tract of land (Tract I), the  
3-59 remainder of a called 250.000-acre tract of land (Tract II) both  
3-60 conveyed to Houston Nursery LLC in Clerk's File Number 2011031940  
3-61 of the Official Records of Fort Bend County (O.R.F.B.C.) and a  
3-62 portion of FM 359 (80-foot wide) recorded in Volume 243, Page 137 of  
3-63 the Fort Bend County Deed Records (F.B.C.D.R.); said 437.6585 acre  
3-64 tract being more particularly described by metes and bounds as  
3-65 follows (all bearings are referenced to the south line of said  
3-66 200.00-acre tract):

3-67 Beginning at the southeast corner of said 200.00-acre tract  
3-68 and the northeast corner of a call 137.0556-acre tract of land  
3-69 recorded in Clerk's File number 9681280 of the O.R.F.B.C., same

4-1 being on the west right-of-way (R.O.W.) line of said FM 359;

4-2 1. Thence, with the common line of said 200.00-acre tract  
4-3 and said 137.0556-acre tract, South 89 degrees 44 minutes 42  
4-4 seconds West, a distance of 2,600.24 feet to the southwest corner of  
4-5 said 200.00-acre tract and the northwest corner of said  
4-6 137.0556-acre tract, same being on the east line of a call  
4-7 339.60-acre tract of land recorded in Clerk's File Number  
4-8 2017112484 of the O.R.F.B.C.;

4-9 2. Thence, with the common line of said 200.00-acre tract  
4-10 and said 339.60-acre tract, North 00 degrees 00 minutes 00 seconds  
4-11 East, a distance of 3,392.41 feet to the northwest corner of said  
4-12 200.00-acre tract;

4-13 3. Thence, with the north line of said 200.00-acre tract,  
4-14 South 89 degrees 53 minutes 50 seconds East, a distance of 397.00  
4-15 feet to a westerly line of a call 4.06-acre R.O.W. dedication (Tract  
4-16 No. 1, FM 359) recorded in Volume 243, Page 261 of the F.B.C.D.R.;

4-17 4. Thence, with the common line of said 200.00-acre tract  
4-18 and said FM 359, South 58 degrees 40 minutes 40 seconds East, a  
4-19 distance of 15.40 feet;

4-20 5. Thence, continuing with said common line, South 89  
4-21 degrees 56 minutes 07 seconds East, a distance of 1,698.40 feet;

4-22 6. Thence, crossing said FM 359, South 89 degrees 55 minutes  
4-23 34 seconds East, a distance of 556.54 feet the northwest corner of  
4-24 aforesaid 250.00-acre tract, same being on the south R.O.W. line of  
4-25 Gaston Fulshear Road (called 80-foot wide) recorded in Volume 62,  
4-26 Page 611 and Volume 458, Page 49 of the F.B.C.D.R.;

4-27 7. Thence, with the common line of said 250.00-acre tract  
4-28 and said Gaston Fulshear Road, North 89 degrees 38 minutes 55  
4-29 seconds East, a distance of 3,347.28 feet to the northwest corner of  
4-30 a call 3.249-acre tract of land recorded in Clerk's File Number  
4-31 2007099737 of the O.R.F.B.C.;

4-32 8. Thence, with the west line of said 3.249-acre tract,  
4-33 South 00 degrees 00 minutes 43 seconds East, a distance of 391.50  
4-34 feet;

4-35 9. Thence, with the south line of said 3.247-acre tract,  
4-36 North 89 degrees 38 minutes 55 seconds East, a distance of 361.50  
4-37 feet to the west line of a call 6.347-acre tract of land recorded in  
4-38 Clerk's File Number 2005058326 of the O.R.F.B.C.;

4-39 10. Thence, with the west line of said 6.347-acre tract,  
4-40 South 00 degrees 00 minutes 43 seconds East, a distance of 2,373.30  
4-41 feet to the southwest corner of said 6.347-acre tract, same being  
4-42 the south line of aforesaid 250.00-acre tract and the north line of  
4-43 a call 100.000-acre tract of land recorded in Clerk's File Number  
4-44 2005058326 of the O.R.F.B.C.;

4-45 11. Thence, with the south line of said 250.00-acre tract,  
4-46 the north line of said 100.000-acre tract, and the north line of a  
4-47 call 8.000-acre tract recorded in Clerk's File Number 2013108809 of  
4-48 the O.R.F.B.C., South 89 degrees 44 minutes 22 seconds West, at  
4-49 3,696.78 feet pass the southwest corner of said 250.00-acre tract  
4-50 and the northwest corner of said 100.00 acre tract, same being on  
4-51 the east R.O.W. line of aforesaid FM 359, continuing in all a total  
4-52 distance of 3776.66 feet to the east line of aforesaid 200.00-acre  
4-53 tract, same being the west R.O.W. line of said FM 359;

4-54 12. Thence, with the common line of said 200.00-acre tract  
4-55 and said FM 359, South 00 degrees 13 minutes 50 seconds East, a  
4-56 distance of 610.26 feet to the Point of Beginning and containing  
4-57 437.6585 acres of land.

4-58 SECTION 3. (a) The legal notice of the intention to  
4-59 introduce this Act, setting forth the general substance of this  
4-60 Act, has been published as provided by law, and the notice and a  
4-61 copy of this Act have been furnished to all persons, agencies,  
4-62 officials, or entities to which they are required to be furnished  
4-63 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4-64 Government Code.

4-65 (b) The governor, one of the required recipients, has  
4-66 submitted the notice and Act to the Texas Commission on  
4-67 Environmental Quality.

4-68 (c) The Texas Commission on Environmental Quality has filed  
4-69 its recommendations relating to this Act with the governor, the

5-1 lieutenant governor, and the speaker of the house of  
5-2 representatives within the required time.

5-3 (d) All requirements of the constitution and laws of this  
5-4 state and the rules and procedures of the legislature with respect  
5-5 to the notice, introduction, and passage of this Act are fulfilled  
5-6 and accomplished.

5-7 SECTION 4. (a) If this Act does not receive a two-thirds  
5-8 vote of all the members elected to each house, Subchapter C, Chapter  
5-9 8062, Special District Local Laws Code, as added by Section 1 of  
5-10 this Act, is amended by adding Section 8062.0306 to read as follows:

5-11 Sec. 8062.0306. NO EMINENT DOMAIN POWER. The district may  
5-12 not exercise the power of eminent domain.

5-13 (b) This section is not intended to be an expression of a  
5-14 legislative interpretation of the requirements of Section 17(c),  
5-15 Article I, Texas Constitution.

5-16 SECTION 5. This Act takes effect immediately if it receives  
5-17 a vote of two-thirds of all the members elected to each house, as  
5-18 provided by Section 39, Article III, Texas Constitution. If this  
5-19 Act does not receive the vote necessary for immediate effect, this  
5-20 Act takes effect September 1, 2019.

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