

1-1 By: Bettencourt S.B. No. 2521
 1-2 (In the Senate - Filed April 3, 2019; April 4, 2019, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 17, 2019, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; April 17, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Schwertner	X			
1-9 Alvarado	X			
1-10 Campbell			X	
1-11 Fallon	X			
1-12 Menéndez	X			
1-13 Nichols	X			

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

1-17 relating to the powers and duties of the Harris County Municipal
 1-18 Utility District No. 248; providing authority to issue bonds and
 1-19 impose fees and taxes.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-22 Code, is amended by adding Chapter 8087 to read as follows:

1-23 CHAPTER 8087. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248
 1-24 SUBCHAPTER A. GENERAL PROVISIONS

1-25 Sec. 8087.0101. DEFINITIONS. In this chapter:

- 1-26 (1) "Board" means the district's board of directors.
- 1-27 (2) "District" means the Harris County Municipal
 1-28 Utility District No. 248.

1-29 Sec. 8087.0102. NATURE AND PURPOSES OF DISTRICT. (a) The
 1-30 district is a municipal utility district created under Section 59,
 1-31 Article XVI, Texas Constitution.

1-32 (b) The district is created to accomplish the purposes of:

- 1-33 (1) a municipal utility district as provided by
 1-34 general law and Section 59, Article XVI, Texas Constitution; and
- 1-35 (2) Section 52, Article III, Texas Constitution, that
 1-36 relate to the construction, acquisition, improvement, operation,
 1-37 or maintenance of macadamized, graveled, or paved roads, or
 1-38 improvements, including storm drainage, in aid of those roads.

1-39 SUBCHAPTER B. POWERS AND DUTIES

1-40 Sec. 8087.0201. GENERAL POWERS AND DUTIES. The district
 1-41 has the powers and duties necessary to accomplish the purposes for
 1-42 which the district is created.

1-43 Sec. 8087.0202. MUNICIPAL UTILITY DISTRICT POWERS AND
 1-44 DUTIES. The district has the powers and duties provided by the
 1-45 general law of this state, including Chapters 49 and 54, Water Code,
 1-46 applicable to municipal utility districts created under Section 59,
 1-47 Article XVI, Texas Constitution.

1-48 Sec. 8087.0203. AUTHORITY FOR ROAD PROJECTS. Under Section
 1-49 52, Article III, Texas Constitution, the district may design,
 1-50 acquire, construct, finance, issue bonds for, improve, operate,
 1-51 maintain, and convey to this state, a county, or a municipality for
 1-52 operation and maintenance macadamized, graveled, or paved roads, or
 1-53 improvements, including storm drainage, in aid of those roads.

1-54 Sec. 8087.0204. ROAD STANDARDS AND REQUIREMENTS. (a) A
 1-55 road project must meet all applicable construction standards,
 1-56 zoning and subdivision requirements, and regulations of each
 1-57 municipality in whose corporate limits or extraterritorial
 1-58 jurisdiction the road project is located.

1-59 (b) If a road project is not located in the corporate limits
 1-60 or extraterritorial jurisdiction of a municipality, the road
 1-61 project must meet all applicable construction standards,

2-1 subdivision requirements, and regulations of each county in which
2-2 the road project is located.

2-3 (c) If the state will maintain and operate the road, the
2-4 Texas Transportation Commission must approve the plans and
2-5 specifications of the road project.

2-6 SUBCHAPTER C. DEFINED AREAS

2-7 Sec. 8087.0301. AUTHORITY TO ESTABLISH DEFINED AREAS OR
2-8 DESIGNATED PROPERTY. The district may define areas or designate
2-9 certain property of the district to pay for improvements,
2-10 facilities, or services that primarily benefit that area or
2-11 property and do not generally and directly benefit the district as a
2-12 whole.

2-13 Sec. 8087.0302. PROCEDURE FOR ELECTION. (a) Before the
2-14 district may impose an ad valorem tax applicable only to the defined
2-15 area or designated property or issue bonds payable from ad valorem
2-16 taxes of the defined area or designated property, the board shall
2-17 hold an election in the defined area or designated property only.

2-18 (b) The board may submit the proposition to the voters on
2-19 the same ballot to be used in another election.

2-20 Sec. 8087.0303. DECLARING RESULT AND ISSUING ORDER.

2-21 (a) If a majority of the voters voting at an election held under
2-22 Section 8087.0302 approve the proposition or propositions, the
2-23 board shall declare the results and, by order, shall establish the
2-24 defined area or designated property and describe it by metes and
2-25 bounds or designate the specific property.

2-26 (b) A court may not review the board's order except on the
2-27 ground of fraud, palpable error, or arbitrary and confiscatory
2-28 abuse of discretion.

2-29 Sec. 8087.0304. TAXES FOR SERVICES, IMPROVEMENTS, AND

2-30 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
2-31 approval and adoption of the order described by Section 8087.0303,
2-32 the district may apply separately, differently, equitably, and
2-33 specifically its taxing power and lien authority to the defined
2-34 area or designated property to provide money to construct,
2-35 administer, maintain, and operate services, improvements, and
2-36 facilities that primarily benefit the defined area or designated
2-37 property.

2-38 Sec. 8087.0305. ISSUANCE OF BONDS FOR DEFINED AREA OR
2-39 DESIGNATED PROPERTY. After an order under Section 8087.0303 is
2-40 adopted, the district may issue bonds to provide for any land,
2-41 improvements, facilities, plants, equipment, and appliances for
2-42 the defined area or designated property.

2-43 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

2-44 Sec. 8087.0401. AUTHORITY TO ISSUE BONDS AND OTHER
2-45 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds
2-46 or other obligations payable wholly or partly from ad valorem
2-47 taxes, impact fees, revenue, contract payments, grants, or other
2-48 district money, or any combination of those sources, to pay for a
2-49 road project authorized by Section 8087.0203.

2-50 (b) The district may not issue bonds payable from ad valorem
2-51 taxes to finance a road project unless the issuance is approved by a
2-52 vote of a two-thirds majority of the district voters voting at an
2-53 election held for that purpose.

2-54 (c) At the time of issuance, the total principal amount of
2-55 bonds or other obligations issued or incurred to finance road
2-56 projects and payable from ad valorem taxes may not exceed
2-57 one-fourth of the assessed value of the real property in the
2-58 district.

2-59 Sec. 8087.0402. TAXES FOR BONDS. At the time the district
2-60 issues bonds payable wholly or partly from ad valorem taxes, the
2-61 district shall provide for the annual imposition of a continuing
2-62 direct ad valorem tax, without limit as to rate or amount, while all
2-63 or part of the bonds are outstanding as required and in the manner
2-64 provided by Sections 54.601 and 54.602, Water Code.

2-65 SECTION 2. The Harris County Municipal Utility District
2-66 No. 248 retains all the rights, powers, privileges, authority,
2-67 duties, and functions that it had before the effective date of this
2-68 Act.

2-69 SECTION 3. (a) The legislature validates and confirms all

3-1 governmental acts and proceedings of the Harris County Municipal
3-2 Utility District No. 248 that were taken before the effective date
3-3 of this Act.

3-4 (b) This section does not apply to any matter that on the
3-5 effective date of this Act:

3-6 (1) is involved in litigation if the litigation
3-7 ultimately results in the matter being held invalid by a final court
3-8 judgment; or

3-9 (2) has been held invalid by a final court judgment.

3-10 SECTION 4. (a) The legal notice of the intention to
3-11 introduce this Act, setting forth the general substance of this
3-12 Act, has been published as provided by law, and the notice and a
3-13 copy of this Act have been furnished to all persons, agencies,
3-14 officials, or entities to which they are required to be furnished
3-15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-16 Government Code.

3-17 (b) The governor, one of the required recipients, has
3-18 submitted the notice and Act to the Texas Commission on
3-19 Environmental Quality.

3-20 (c) The Texas Commission on Environmental Quality has filed
3-21 its recommendations relating to this Act with the governor, the
3-22 lieutenant governor, and the speaker of the house of
3-23 representatives within the required time.

3-24 (d) All requirements of the constitution and laws of this
3-25 state and the rules and procedures of the legislature with respect
3-26 to the notice, introduction, and passage of this Act are fulfilled
3-27 and accomplished.

3-28 SECTION 5. This Act takes effect immediately if it receives
3-29 a vote of two-thirds of all the members elected to each house, as
3-30 provided by Section 39, Article III, Texas Constitution. If this
3-31 Act does not receive the vote necessary for immediate effect, this
3-32 Act takes effect September 1, 2019.

3-33 * * * * *