

AN ACT

relating to the powers and duties of the Fort Bend County Municipal Utility District No. 161; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 8338 to read as follows:

CHAPTER 8338. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 161

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8338.001. DEFINITION. In this chapter, "district" means the Fort Bend County Municipal Utility District No. 161.

Sec. 8338.002. NATURE AND PURPOSES OF DISTRICT. (a) The district is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district is essential to accomplish the purposes of Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

[Sections 8338.003-8338.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8338.051. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes

1 described by Section 8338.002.

2 Sec. 8338.052. MUNICIPAL UTILITY DISTRICT POWERS AND  
3 DUTIES. The district has the powers and duties provided by the  
4 general law of this state, including Chapters 49 and 54, Water Code,  
5 applicable to municipal utility districts created under Section 59,  
6 Article XVI, Texas Constitution.

7 Sec. 8338.053. AUTHORITY FOR ROAD PROJECTS. (a) Under  
8 Section 52, Article III, Texas Constitution, the district may  
9 design, acquire, construct, finance, issue bonds for, improve, and  
10 convey to this state, a county, or a municipality for operation and  
11 maintenance macadamized, graveled, or paved roads described by  
12 Section 54.234, Water Code, or improvements, including storm  
13 drainage, in aid of those roads.

14 (b) The district may exercise the powers provided by this  
15 section without submitting a petition to or obtaining approval from  
16 the Texas Commission on Environmental Quality as required by  
17 Section 54.234, Water Code.

18 Sec. 8338.054. APPROVAL OF ROAD PROJECT. (a) The district  
19 may not undertake a road project authorized by Section 8338.053  
20 unless:

21 (1) each municipality or county that will operate and  
22 maintain the road has approved the plans and specifications of the  
23 road project, if a municipality or county will operate and maintain  
24 the road; or

25 (2) the Texas Transportation Commission has approved  
26 the plans and specifications of the road project, if the state will  
27 operate and maintain the road.

1        (b) Except as provided by Subsection (a), the district is  
2 not required to obtain approval from the Texas Transportation  
3 Commission to design, acquire, construct, finance, issue bonds for,  
4 improve, or convey a road project.

5        Sec. 8338.055. LIMITATION ON USE OF EMINENT DOMAIN. The  
6 district may not exercise the power of eminent domain outside the  
7 district to acquire a site or easement for a road project authorized  
8 by Section 8338.053.

9        [Sections 8338.056-8338.100 reserved for expansion]

10        SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

11        Sec. 8338.101. AUTHORITY TO ISSUE BONDS AND OTHER  
12 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds  
13 or other obligations payable wholly or partly from ad valorem  
14 taxes, impact fees, revenue, contract payments, grants, or other  
15 district money, or any combination of those sources, to pay for a  
16 road project authorized by Section 8338.053.

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. 8338.102. 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. 161 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 legal notice of the intention to  
10 introduce this Act, setting forth the general substance of this  
11 Act, has been published as provided by law, and the notice and a  
12 copy of this Act have been furnished to all persons, agencies,  
13 officials, or entities to which they are required to be furnished  
14 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
15 Government Code.

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

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

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

27 SECTION 4. This Act takes effect immediately if it receives

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S.B. No. 748

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

S.B. No. 748

Rand Beukema  
President of the Senate

Jim Strawn  
Speaker of the House

I hereby certify that S.B. No. 748 passed the Senate on May 4, 2009, by the following vote: Yeas 31, Nays 0.

Datsy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 748 passed the House on May 26, 2009, by the following vote: Yeas 141, Nays 0, one present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

19 JUN '09  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

JUN 19 2009

Colby Shuter III