

1-1 By: Zaffirini, Campbell S.B. No. 1902
 1-2 (In the Senate - Filed April 17, 2013; April 18, 2013, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 29, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; April 29, 2013, 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 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to the creation of the LaSalle Municipal Utility District
 1-16 No. 4; granting a limited power of eminent domain; providing
 1-17 authority to issue bonds; providing authority to impose
 1-18 assessments, fees, or taxes.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-20 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-21 Code, is amended by adding Chapter 8475 to read as follows:

1-22 CHAPTER 8475. LASALLE MUNICIPAL UTILITY DISTRICT NO. 4

1-23 SUBCHAPTER A. GENERAL PROVISIONS

1-24 Sec. 8475.001. DEFINITIONS. In this chapter:

1-25 (1) "Board" means the district's board of directors.
 1-26 (2) "Commission" means the Texas Commission on
 1-27 Environmental Quality.

1-28 (3) "Director" means a board member.

1-29 (4) "District" means the LaSalle Municipal Utility
 1-30 District No. 4.

1-31 Sec. 8475.002. NATURE OF DISTRICT. The district is a
 1-32 municipal utility district created under Section 59, Article XVI,
 1-33 Texas Constitution.

1-34 Sec. 8475.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-35 REQUIRED. The temporary directors shall hold an election to
 1-36 confirm the creation of the district and to elect five permanent
 1-37 directors as provided by Section 49.102, Water Code.

1-38 Sec. 8475.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-39 temporary directors may not hold an election under Section 8475.003
 1-40 until each municipality in whose corporate limits or
 1-41 extraterritorial jurisdiction the district is located has
 1-42 consented by ordinance or resolution to the creation of the
 1-43 district and to the inclusion of land in the district.

1-44 Sec. 8475.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-45 (a) The district is created to serve a public purpose and benefit.

1-46 (b) The district is created to accomplish the purposes of:

1-47 (1) a municipal utility district as provided by
 1-48 general law and Section 59, Article XVI, Texas Constitution; and

1-49 (2) Section 52, Article III, Texas Constitution, that
 1-50 relate to the construction, acquisition, improvement, operation,
 1-51 or maintenance of macadamized, graveled, or paved roads, or
 1-52 improvements, including storm drainage, in aid of those roads.

1-53 Sec. 8475.006. INITIAL DISTRICT TERRITORY. (a) The
 1-54 district is initially composed of the territory described by
 1-55 Section 2 of the Act enacting this chapter.

1-56 (b) The boundaries and field notes contained in Section 2 of
 1-57 the Act enacting this chapter form a closure. A mistake made in the
 1-58 field notes or in copying the field notes in the legislative process
 1-59 does not affect the district's:

1-60 (1) organization, existence, or validity;

1-61 (2) right to issue any type of bond for the purposes

2-1 for which the district is created or to pay the principal of and
2-2 interest on a bond;
2-3 (3) right to impose a tax; or
2-4 (4) legality or operation.

2-5 SUBCHAPTER B. BOARD OF DIRECTORS

2-6 Sec. 8475.051. GOVERNING BODY; TERMS. (a) The district is
2-7 governed by a board of five elected directors.

2-8 (b) Except as provided by Section 8475.052, directors serve
2-9 staggered four-year terms.

2-10 Sec. 8475.052. TEMPORARY DIRECTORS. (a) On or after the
2-11 effective date of the Act enacting this chapter, the owner or owners
2-12 of a majority of the assessed value of the real property in the
2-13 district may submit a petition to the commission requesting that
2-14 the commission appoint as temporary directors the five persons
2-15 named in the petition. The commission shall appoint as temporary
2-16 directors the five persons named in the petition.

2-17 (b) Temporary directors serve until the earlier of:

2-18 (1) the date permanent directors are elected under
2-19 Section 8475.003; or

2-20 (2) the fourth anniversary of the effective date of
2-21 the Act enacting this chapter.

2-22 (c) If permanent directors have not been elected under
2-23 Section 8475.003 and the terms of the temporary directors have
2-24 expired, successor temporary directors shall be appointed or
2-25 reappointed as provided by Subsection (d) to serve terms that
2-26 expire on the earlier of:

2-27 (1) the date permanent directors are elected under
2-28 Section 8475.003; or

2-29 (2) the fourth anniversary of the date of the
2-30 appointment or reappointment.

2-31 (d) If Subsection (c) applies, the owner or owners of a
2-32 majority of the assessed value of the real property in the district
2-33 may submit a petition to the commission requesting that the
2-34 commission appoint as successor temporary directors the five
2-35 persons named in the petition. The commission shall appoint as
2-36 successor temporary directors the five persons named in the
2-37 petition.

2-38 SUBCHAPTER C. POWERS AND DUTIES

2-39 Sec. 8475.101. GENERAL POWERS AND DUTIES. The district has
2-40 the powers and duties necessary to accomplish the purposes for
2-41 which the district is created.

2-42 Sec. 8475.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-43 DUTIES. The district has the powers and duties provided by the
2-44 general law of this state, including Chapters 49 and 54, Water Code,
2-45 applicable to municipal utility districts created under Section 59,
2-46 Article XVI, Texas Constitution.

2-47 Sec. 8475.103. AUTHORITY FOR ROAD PROJECTS. Under Section
2-48 52, Article III, Texas Constitution, and Section 53.029(c), Water
2-49 Code, the district may design, acquire, construct, finance, issue
2-50 bonds for, improve, operate, maintain, and convey to this state, a
2-51 county, or a municipality for operation and maintenance
2-52 macadamized, graveled, or paved roads, or improvements, including
2-53 storm drainage, in aid of those roads.

2-54 Sec. 8475.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-55 road project must meet all applicable construction standards,
2-56 zoning and subdivision requirements, and regulations of each
2-57 municipality in whose corporate limits or extraterritorial
2-58 jurisdiction the road project is located.

2-59 (b) If a road project is not located in the corporate limits
2-60 or extraterritorial jurisdiction of a municipality, the road
2-61 project must meet all applicable construction standards,
2-62 subdivision requirements, and regulations of each county in which
2-63 the road project is located.

2-64 (c) If the state will maintain and operate the road, the
2-65 Texas Transportation Commission must approve the plans and
2-66 specifications of the road project.

2-67 Sec. 8475.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
2-68 OR RESOLUTION. The district shall comply with all applicable
2-69 requirements of any ordinance or resolution that is adopted under

3-1 Section 54.016 or 54.0165, Water Code, and that consents to the
3-2 creation of the district or to the inclusion of land in the
3-3 district.

3-4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-5 Sec. 8475.151. ELECTIONS REGARDING TAXES OR BONDS.

3-6 (a) The district may issue, without an election, bonds and other
3-7 obligations secured by:

3-8 (1) revenue other than ad valorem taxes; or

3-9 (2) contract payments described by Section 8475.153.

3-10 (b) The district must hold an election in the manner
3-11 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-12 before the district may impose an ad valorem tax or issue bonds
3-13 payable from ad valorem taxes.

3-14 (c) The district may not issue bonds payable from ad valorem
3-15 taxes to finance a road project unless the issuance is approved by a
3-16 vote of a two-thirds majority of the district voters voting at an
3-17 election held for that purpose.

3-18 Sec. 8475.152. OPERATION AND MAINTENANCE TAX. (a) If
3-19 authorized at an election held under Section 8475.151, the district
3-20 may impose an operation and maintenance tax on taxable property in
3-21 the district in accordance with Section 49.107, Water Code.

3-22 (b) The board shall determine the tax rate. The rate may not
3-23 exceed the rate approved at the election.

3-24 Sec. 8475.153. CONTRACT TAXES. (a) In accordance with
3-25 Section 49.108, Water Code, the district may impose a tax other than
3-26 an operation and maintenance tax and use the revenue derived from
3-27 the tax to make payments under a contract after the provisions of
3-28 the contract have been approved by a majority of the district voters
3-29 voting at an election held for that purpose.

3-30 (b) A contract approved by the district voters may contain a
3-31 provision stating that the contract may be modified or amended by
3-32 the board without further voter approval.

3-33 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-34 Sec. 8475.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-35 OBLIGATIONS. The district may issue bonds or other obligations
3-36 payable wholly or partly from ad valorem taxes, impact fees,
3-37 revenue, contract payments, grants, or other district money, or any
3-38 combination of those sources, to pay for any authorized district
3-39 purpose.

3-40 Sec. 8475.202. TAXES FOR BONDS. At the time the district
3-41 issues bonds payable wholly or partly from ad valorem taxes, the
3-42 board shall provide for the annual imposition of a continuing
3-43 direct ad valorem tax, without limit as to rate or amount, while all
3-44 or part of the bonds are outstanding as required and in the manner
3-45 provided by Sections 54.601 and 54.602, Water Code.

3-46 Sec. 8475.203. BONDS FOR ROAD PROJECTS. At the time of
3-47 issuance, the total principal amount of bonds or other obligations
3-48 issued or incurred to finance road projects and payable from ad
3-49 valorem taxes may not exceed one-fourth of the assessed value of the
3-50 real property in the district.

3-51 SECTION 2. The LaSalle Municipal Utility District No. 4
3-52 initially includes all the territory contained in the following
3-53 area:

3-54 FIELD NOTE DESCRIPTION OF 535.54 ACRES OF LAND OUT OF THE WILLIAM
3-55 HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A
3-56 PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO
3-57 LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME
3-58 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,
3-59 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
3-60 FOLLOWS:

3-61 BEGINNING at a capped iron rod found (marked "ProTech") in the
3-62 Northwest line of the Old San Antonio Road for the most Easterly
3-63 corner of that certain (811.38 acre) tract of land as conveyed to
3-64 LaSalle Holdings by Special Warranty Deed recorded in Volume 2909
3-65 Page 684 of the Official Public Records of Hays County, Texas, and
3-66 being the most Easterly corner and PLACE OF BEGINNING of the herein
3-67 described tract of land;

3-68 THENCE with the Southeast line of said LaSalle Holdings (811.38
3-69 acre) tract, S 48 deg. 44' 13" W 178.85 ft. to a capped iron rod

4-1 found (marked "Byrn") at the point of intersection with the curving
4-2 Northwest right-of-way line State Highway No. 21 for an angle
4-3 corner of this tract;
4-4 THENCE with the Northwest right-of-way line of State Highway No.
4-5 21, the following two (2) courses;
4-6 1) along a curve to the left with a radius of 5779.51 ft. for
4-7 an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W
4-8 829.80 ft. to a PK nail found in a broken concrete monument for a
4-9 point of tangency;
4-10 2) S 48 deg. 46' 22" W 1475.74 ft. to a 1/2" iron rod found for
4-11 the most Southerly corner of said LaSalle Holdings (811.38 acre)
4-12 tract and for the most Southerly corner of this tract;
4-13 THENCE leaving the Northwest right-of-way line of State Highway No.
4-14 21 with a Southerly line of said LaSalle Holdings (811.38 acre)
4-15 tract, the following two (2) courses;
4-16 1) N 45 deg. 31' 36" W 2950.62 ft.;
4-17 2) S 44 deg. 02' 00" W 1300.00 ft. to a point for a
4-18 Southwesterly angle corner of this tract;
4-19 THENCE crossing the interior of said LaSalle Holdings (811.38 acre)
4-20 tract with a Southwesterly line of this tract, N 45 deg. 39' 03" W
4-21 4231.53 ft. to a point in the Southeast line of Hays County Road No.
4-22 158 and in the Northwest line of said LaSalle Holdings (811.38 acre)
4-23 tract and being the most Westerly corner of this tract, and from
4-24 which a 1/2" iron rod found in the Southeast line of Hays County
4-25 Road No. 158 and in the Northwest line of said LaSalle Holdings
4-26 (811.38 acre) tract bears S 43 deg. 26' 25" W 605.66 ft.;
4-27 THENCE with the Southeast line of Hays County Road No. 158 and with
4-28 the Northwest line of said LaSalle Holdings (811.38 acre) tract,
4-29 the following three (3) courses;
4-30 1) N 43 deg. 26' 25" E 482.55 ft. to a capped iron rod found
4-31 (marked "Byrn");
4-32 2) N 43 deg. 23' 06" E 1527.54 ft.;
4-33 3) N 43 deg. 39' 30" E 1505.40 ft. to a capped iron rod found
4-34 (marked "Byrn") for an angle corner of said LaSalle Holdings
4-35 (811.38 acre) tract and for the West corner of that certain (1.00
4-36 acre) tract of land as conveyed to Drue B. Ewald, et ux, by deed
4-37 recorded in Volume 269 Page 202 of the Deed Records of Hays County,
4-38 Texas;
4-39 THENCE leaving the Southeast line of Hays County Road No. 158 with
4-40 the common line of said LaSalle Holdings (811.38 acre) tract, the
4-41 following two (2) courses;
4-42 1) S 44 deg. 58' 54" E 221.56 ft. to a capped iron rod found
4-43 (marked "Jones-Carter");
4-44 2) N 43 deg. 24' 04" E 198.54 ft. to a 1/2" iron rod found for
4-45 an angle corner of said LaSalle Holdings (811.38 acre) tract and for
4-46 the East corner of said Ewald (1.00 acre) tract and being angle
4-47 corner of this tract;
4-48 THENCE with the Northeast line of said LaSalle Holdings (811.38
4-49 acre) tract, the following three (3) courses;
4-50 1) S 46 deg. 09' 07" E 3771.42 ft.;
4-51 2) S 45 deg. 57' 07" E 2455.99 ft.;
4-52 3) S 46 deg. 02' 10" E 1031.75 ft. to the PLACE OF BEGINNING,
4-53 containing 535.54 acres of land.
4-54 SECTION 3. (a) The legal notice of the intention to
4-55 introduce this Act, setting forth the general substance of this
4-56 Act, has been published as provided by law, and the notice and a
4-57 copy of this Act have been furnished to all persons, agencies,
4-58 officials, or entities to which they are required to be furnished
4-59 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-60 Government Code.
4-61 (b) The governor, one of the required recipients, has
4-62 submitted the notice and Act to the Texas Commission on
4-63 Environmental Quality.
4-64 (c) The Texas Commission on Environmental Quality has filed
4-65 its recommendations relating to this Act with the governor, the
4-66 lieutenant governor, and the speaker of the house of
4-67 representatives within the required time.
4-68 (d) All requirements of the constitution and laws of this
4-69 state and the rules and procedures of the legislature with respect

5-1 to the notice, introduction, and passage of this Act are fulfilled
5-2 and accomplished.

5-3 SECTION 4. (a) If this Act does not receive a two-thirds
5-4 vote of all the members elected to each house, Subchapter C, Chapter
5-5 8475, Special District Local Laws Code, as added by Section 1 of
5-6 this Act, is amended by adding Section 8475.106 to read as follows:

5-7 Sec. 8475.106. NO EMINENT DOMAIN POWER. The district may
5-8 not exercise the power of eminent domain.

5-9 (b) This section is not intended to be an expression of a
5-10 legislative interpretation of the requirements of Subsection (c),
5-11 Section 17, Article I, Texas Constitution.

5-12 SECTION 5. This Act takes effect immediately if it receives
5-13 a vote of two-thirds of all the members elected to each house, as
5-14 provided by Section 39, Article III, Texas Constitution. If this
5-15 Act does not receive the vote necessary for immediate effect, this
5-16 Act takes effect September 1, 2013.

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