

1-1 By: Bell (Senate Sponsor - Kolkhorst) H.B. No. 4129
 1-2 (In the Senate - Received from the House May 4, 2015;
 1-3 May 4, 2015, read first time and referred to Committee on
 1-4 Administration; May 7, 2015, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 7, 2015, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|-----------------|-----|-----|--------|-----|
| 1-7 Hancock | | | X | |
| 1-8 Uresti | X | | | |
| 1-9 Campbell | X | | | |
| 1-10 Eltife | X | | | |
| 1-11 Huffines | X | | | |
| 1-12 Schwertner | X | | | |
| 1-13 West | X | | | |

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

1-17 relating to the creation of the Waller County Municipal Utility
 1-18 District No. 22; 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 7919 to read as follows:

1-24 CHAPTER 7919. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 22

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7919.001. 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 Waller County Municipal
 1-32 Utility District No. 22.

1-33 Sec. 7919.002. 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. 7919.003. CONFIRMATION AND DIRECTORS' 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. 7919.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section 7919.003
 1-42 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. 7919.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
 1-47 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. 7919.006. 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.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 7919.051. 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 7919.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 7919.052. 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 7919.003; 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 7919.003 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 7919.003; 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.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 7919.101. GENERAL POWERS AND DUTIES. The district has

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

2-43 which the district is created.

2-44 Sec. 7919.102. 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. 7919.103. 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. 7919.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road

2-56 project must meet all applicable construction standards, zoning and

2-57 subdivision requirements, and regulations of each municipality in

2-58 whose corporate limits or extraterritorial jurisdiction the road

2-59 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. 7919.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

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

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

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 7919.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3-7 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 7919.153.

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. 7919.152. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 7919.151, the district
3-21 may impose an operation and maintenance tax on taxable property in
3-22 the district in accordance with Section 49.107, Water Code.

3-23 (b) The board shall determine the tax rate. The rate may not
3-24 exceed the rate approved at the election.

3-25 Sec. 7919.153. CONTRACT TAXES. (a) In accordance with
3-26 Section 49.108, Water Code, the district may impose a tax other than
3-27 an operation and maintenance tax and use the revenue derived from
3-28 the tax to make payments under a contract after the provisions of
3-29 the contract have been approved by a majority of the district voters
3-30 voting at an election held for that purpose.

3-31 (b) A contract approved by the district voters may contain a
3-32 provision stating that the contract may be modified or amended by
3-33 the board without further voter approval.

3-34 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-35 Sec. 7919.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-36 OBLIGATIONS. The district may issue bonds or other obligations
3-37 payable wholly or partly from ad valorem taxes, impact fees,
3-38 revenue, contract payments, grants, or other district money, or any
3-39 combination of those sources, to pay for any authorized district
3-40 purpose.

3-41 Sec. 7919.202. TAXES FOR BONDS. At the time the district
3-42 issues bonds payable wholly or partly from ad valorem taxes, the
3-43 board shall provide for the annual imposition of a continuing
3-44 direct ad valorem tax, without limit as to rate or amount, while all
3-45 or part of the bonds are outstanding as required and in the manner
3-46 provided by Sections 54.601 and 54.602, Water Code.

3-47 Sec. 7919.203. BONDS FOR ROAD PROJECTS. At the time of
3-48 issuance, the total principal amount of bonds or other obligations
3-49 issued or incurred to finance road projects and payable from ad
3-50 valorem taxes may not exceed one-fourth of the assessed value of the
3-51 real property in the district.

3-52 SECTION 2. The Waller County Municipal Utility District No.
3-53 22 initially includes all the territory contained in the following
3-54 area:

3-55 Being a 524.55 acre tract of land in the W. Hillhouse Survey,
3-56 Abstract 136, Waller County, Texas, the F.L. Smith Survey, Abstract
3-57 252, Waller County, Texas, the D. Warren Survey, Abstract 394,
3-58 Waller County, Texas, the W. Rogerson Survey, Abstract 245, Waller
3-59 County, Texas, the R. Watson Survey, Abstract 271, Waller County,
3-60 being out of a called 2023.4232 acre tract of land as recorded under
3-61 Volume 883, Page 590 of the Real Property Records Waller County, and
3-62 Montgomery County Clerk's File No. 2005-063061. Said 524.55 acre
3-63 tract, being more particularly described as follows:

3-64 BEGINNING at a fence corner for the northeasterly corner of a
3-65 called 229.0 acre tract of land as recorded in Volume 72, Page 124
3-66 of the Deed records of Waller County, Texas, also being the
3-67 southerly line of a 300.0 acre tract of land as recorded in Volume
3-68 72, Page 124 of the Deed Records of Waller County, Texas and being a
3-69 northwesterly corner of herein described tract;

4-1 THENCE N 87 deg. 06' 38" E along the southerly line of said
4-2 300.0 acre tract, a distance of 1331.72 feet to a 2" iron pipe for a
4-3 southeasterly corner of said 300.0 acre tract, and being a
4-4 northwesterly corner of herein described tract;
4-5 THENCE N 03 deg. 25' 19" W along the easterly line of said
4-6 300.0 acre tract, a distance of 511.73 feet to a 2" iron pipe found
4-7 on the easterly line of said 300.0 acre tract, also being the
4-8 southwesterly corner of a 20.0 acre tract as recorded in Volume
4-9 1395, Page 146, of the Deed Records of Waller County, Texas and
4-10 being a corner of herein described tract;
4-11 THENCE N 86 deg. 50' 55" E along the southerly line of said
4-12 20.0 acre tract, a distance of 2302.05 feet to a 2" iron pipe for the
4-13 southeasterly corner of said 20.0 acre tract, and being a corner of
4-14 herein described tract;
4-15 THENCE across the said 2023.4232 acre tract of land as
4-16 follows:
4-17 THENCE S 05deg26'33" E, a distance of 897.80' to a point
4-18 for corner
4-19 THENCE S 12deg11'39" E, a distance of 614.73' to a point
4-20 for corner
4-21 THENCE S 37deg13'01" E, a distance of 1044.87' to a
4-22 point for corner
4-23 THENCE S 50deg13'03" W, a distance of 936.60' to a point
4-24 for corner
4-25 THENCE S 01deg42'32" E, a distance of 291.80' to a point
4-26 for corner
4-27 THENCE S 48deg32'01" E, a distance of 1741.71' to a
4-28 point for corner
4-29 THENCE S 48deg32'01" E, a distance of 265.75' to a point
4-30 for corner
4-31 THENCE S 21deg57'56" W, a distance of 516.18' to a point
4-32 for corner
4-33 THENCE S 46deg27'00" W, a distance of 923.73' to a point
4-34 for corner
4-35 THENCE S 12deg09'48" W, a distance of 629.46' to a point
4-36 for corner
4-37 THENCE S 02deg17'52" W, a distance of 899.56' to a point
4-38 for corner
4-39 THENCE S 16deg33'53" W, a distance of 668.46' to a point
4-40 for corner
4-41 THENCE S 41deg36'33" E, a distance of 292.69' to a point
4-42 for corner
4-43 THENCE S 08deg13'31" E, a distance of 417.47' to a point
4-44 for corner
4-45 THENCE S 89deg47'45" W, a distance of 1008.22' to a
4-46 point for corner
4-47 THENCE N 03deg54'50" E, a distance of 607.93' to a point
4-48 for corner
4-49 THENCE with a curve turning to the left with an arc
4-50 length of 2201.68', having a radius of 1400.00', a chord which
4-51 bears N 41deg08'19" W, a chord length of 1981.71';
4-52 THENCE N 86deg11'28" W, a distance of 215.01' to a point
4-53 for corner
4-54 THENCE with a curve turning to the right with an arc
4-55 length of 1228.20', having a radius of 2800.00', a chord which
4-56 bears N 14deg24'14" E, a chord length of 1218.38';
4-57 THENCE N 26deg58'13" E, a distance of 188.08' to a point
4-58 for corner
4-59 THENCE with a curve turning to the right with an arc
4-60 length of 158.92', having a radius of 2000.00', a chord which
4-61 bears N 53deg27'06" W, a chord length of 158.88';
4-62 THENCE N 51deg10'31" W, a distance of 411.07' to a point
4-63 for corner
4-64 THENCE with a curve turning to the left with an arc
4-65 length of 610.49', having a radius of 2000.00', a chord which
4-66 bears N 59deg55'12" W, a chord length of 608.12';
4-67 THENCE N 22deg31'16" E, a distance of 241.81' to a point
4-68 for corner
4-69 THENCE N 11deg24'02" W, a distance of 920.79' to a point

5-1 for corner

5-2 THENCE S 87deg24'30" W, a distance of 976.07' to a point for
5-3 corner in the easterly line of the said 229.0 acre tract, and being
5-4 the southwesterly corner of the herein described tract;

5-5 THENCE N 03deg 02' 22" W along the westerly line of the said
5-6 229.00 acre tract a distance of 2551.74 to the POINT OF BEGINNING,
5-7 and containing 524.55 acres of land, more or less.

5-8 SECTION 3. (a) The legal notice of the intention to
5-9 introduce this Act, setting forth the general substance of this
5-10 Act, has been published as provided by law, and the notice and a
5-11 copy of this Act have been furnished to all persons, agencies,
5-12 officials, or entities to which they are required to be furnished
5-13 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-14 Government Code.

5-15 (b) The governor, one of the required recipients, has
5-16 submitted the notice and Act to the Texas Commission on
5-17 Environmental Quality.

5-18 (c) The Texas Commission on Environmental Quality has filed
5-19 its recommendations relating to this Act with the governor, the
5-20 lieutenant governor, and the speaker of the house of
5-21 representatives within the required time.

5-22 (d) All requirements of the constitution and laws of this
5-23 state and the rules and procedures of the legislature with respect
5-24 to the notice, introduction, and passage of this Act are fulfilled
5-25 and accomplished.

5-26 SECTION 4. (a) If this Act does not receive a two-thirds
5-27 vote of all the members elected to each house, Subchapter C, Chapter
5-28 7919, Special District Local Laws Code, as added by Section 1 of
5-29 this Act, is amended by adding Section 7919.106 to read as follows:

5-30 Sec. 7919.106. NO EMINENT DOMAIN POWER. The district may
5-31 not exercise the power of eminent domain.

5-32 (b) This section is not intended to be an expression of a
5-33 legislative interpretation of the requirements of Section 17(c),
5-34 Article I, Texas Constitution.

5-35 SECTION 5. This Act takes effect immediately if it receives
5-36 a vote of two-thirds of all the members elected to each house, as
5-37 provided by Section 39, Article III, Texas Constitution. If this
5-38 Act does not receive the vote necessary for immediate effect, this
5-39 Act takes effect September 1, 2015.

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