

1-1 By: Oliverson (Senate Sponsor - Bettencourt) H.B. No. 1379  
1-2 (In the Senate - Received from the House April 29, 2019;  
1-3 April 30, 2019, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 15, 2019, reported favorably by  
1-5 the following vote: Yeas 7, Nays 0; May 15, 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 Harris County Municipal Utility  
1-18 District No. 565; 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 8036 to read as follows:

1-24 CHAPTER 8036. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 565

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8036.0101. 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 Harris County Municipal  
1-32 Utility District No. 565.

1-33 Sec. 8036.0102. 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. 8036.0103. 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. 8036.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
1-41 temporary directors may not hold an election under Section  
1-42 8036.0103 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. 8036.0105. 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. 8036.0106. 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.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8036.0201. 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 8036.0202, directors  
 2-11 serve staggered four-year terms.

2-12 Sec. 8036.0202. TEMPORARY DIRECTORS. (a) The temporary  
 2-13 board consists of:

- 2-14 (1) Amy Koy;
- 2-15 (2) Elizabeth Reeves;
- 2-16 (3) Taylor Lewis Gaver;
- 2-17 (4) Brandy Botter; and
- 2-18 (5) Hollye Seabolt.

2-19 (b) Temporary directors serve until the earlier of:  
 2-20 (1) the date permanent directors are elected under  
 2-21 Section 8036.0103; 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 8036.0103 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 8036.0103; 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.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8036.0301. 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. 8036.0302. 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. 8036.0303. 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. 8036.0304. 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. 8036.0305. 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. 8036.0401. 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 8036.0403.

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. 8036.0402. OPERATION AND MAINTENANCE TAX. (a) If

3-20 authorized at an election held under Section 8036.0401, 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. 8036.0403. 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. 8036.0501. 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. 8036.0502. 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. 8036.0503. 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 Harris County Municipal Utility District  
3-54 No. 565 initially includes all the territory contained in the  
3-55 following area:

3-56 Being a 104.21 acre tract of land located in the Harris County  
3-57 School Land Survey, Section 27 and Section 28, A-333, Harris  
3-58 County, Texas; said 104.21 acre tract being a portion of a called  
3-59 56.491 acre tract of land recorded in Clerk's File Number  
3-60 RP-2018-392482 of the Official Public Records of Real Property  
3-61 Harris County (O.P.R.R.P.H.C.), Texas and the remainder of a called  
3-62 51.1936 acre tract of land recorded in Clerk's File No. M000378 of  
3-63 the O.P.R.R.P.H.C.; said 104.21 acre tract being more particularly  
3-64 described by metes and bounds in two tracts as follows (all bearings  
3-65 are referenced to the Texas Coordinate System, NAD 83, 2001 Adj.,  
3-66 South Central Zone):

3-67 Tract 1- 55.37 Acres

3-68 Beginning at a 1-1/4-inch iron rod found at the southeast corner of  
3-69 said called 56.491 acre tract and a westerly interior corner of a

4-1 called 75.9019 acre tract of land recorded in Clerk's File Number  
4-2 R062458 of the O.P.R.R.P.H.C.

4-3 1. Thence, with the south line of said called 56.491 acre  
4-4 tract, a westerly line of said called 75.9019 acre tract, the north  
4-5 line of a called 9.737 acre tract of land recorded in Clerk's File  
4-6 Number U588970, the north line of a called 9.736 acre tract of land  
4-7 recorded in Clerk's File Number U496673, and the north line of a  
4-8 called 4.736 acre tract (north half) of land recorded in Clerk's  
4-9 File Number 20140111501 all of the O.P.R.R.P.H.C, South 87 degrees  
4-10 50 minutes 16 seconds West (called S89°49'29"W), a distance of  
4-11 1,619.54 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC"  
4-12 found on the east right-of-way (R.O.W.) line of Becker Road  
4-13 (66-feet wide) from which a PK nail found for the southwest corner  
4-14 of said called 56.491 acre tract bears S87°50'16"W, 33.00';

4-15 2. Thence, with said east R.O.W. line, North 02 degrees 09  
4-16 minutes 37 seconds West, a distance of 1,484.67 feet to a 5/8-inch  
4-17 iron rod found on the north line of said called 56.491 acre tract  
4-18 and south line of a called 10.039 acre tract of land recorded in  
4-19 Clerk's File No. 20120062218 of the O.P.R.R.P.H.C.;

4-20 3. Thence, with the north line of said called 56.491 acre  
4-21 tract common with the south line of said called 10.039 acre tract,  
4-22 North 87 degrees 38 minutes 44 seconds East (called North 89 degrees  
4-23 38 minutes 21 seconds East), a distance of 1,623.50 feet (called  
4-24 1623.69 feet) to the northeast corner of said called 56.491 acre  
4-25 tract, the southwest corner of said call 10.039 acre tract and being  
4-26 on the west line of aforesaid called 75.9019 acre tract;

4-27 4. Thence, with the east line of said called 56.491 acre  
4-28 tract common with the west line of said called 75.9019 are tract,  
4-29 South 02 degrees 00 minutes 29 seconds East (called South 00 degrees  
4-30 00 minutes 52 seconds East), a distance of 1,490.13 feet (called  
4-31 1489.98 feet) to the Point of Beginning and containing 55.37 acres  
4-32 of land.

4-33 Tract 2- 48.84 Acres

4-34 Beginning at a 1-inch iron pipe found at the northeasterly corner of  
4-35 a called two acre tract of land recorded in the name of Lendell  
4-36 Martin and Lawanna Martin, co-trustees of the Justin Clint Martin  
4-37 1994 Investment Trust in C.F. No. X651859 of the O.P.R.R.P.H.C.,  
4-38 and being at the intersection of an interior south line of said  
4-39 51.1936 acre tract with the westerly right-of-way line of Becker  
4-40 Road (66-feet wide) as established by the map of Harris County  
4-41 School Land recorded in Volume 17, Pages 222 and 223 of the Deed  
4-42 Records of Harris County;

4-43 1. South 87 degrees 57 minutes 49 seconds West, a distance  
4-44 of 484.00 feet to a 5/8-inch iron rod with cap stamped "COSTELLO  
4-45 INC" found at an interior corner of said 51.1936 acre tract and the  
4-46 northwest corner of said two acre tract;

4-47 2. South 02 degrees 09 minutes 19 seconds East, a distance  
4-48 of 180.00 feet to a 5/8-inch iron rod with cap stamped "COSTELLO  
4-49 INC" found at an interior corner of said 51.1936 acre tract and the  
4-50 southwest corner of said two acre tract, from which a found 5/8-inch  
4-51 iron rod bears North 87 degrees 54 minutes 26 seconds East, a  
4-52 distance of 1.18 feet;

4-53 3. North 87 degrees 57 minutes 49 seconds East, a distance  
4-54 of 484.00 feet to a 5/8-inch iron rod with cap stamped "COSTELLO  
4-55 INC" found at the southeast corner of said two acre tract and being  
4-56 on the aforesaid westerly right-of-way line of Becker Road, from  
4-57 which a found 1-inch iron pipe bears North 49 degrees 58 minutes 30  
4-58 seconds East, a distance of 1.81 feet;

4-59 4. Thence, with said westerly right-of-way line of Becker  
4-60 Road, South 02 degrees 09 minutes 19 seconds East, a distance of  
4-61 1,141.31 feet to a 5/8-inch iron rod found on the southerly line of  
4-62 said 51.1936 acre tract and the northerly line of a called 20.00  
4-63 acre tract of land recorded in the name of Tye E. Smith and wife,  
4-64 Patricia B. Smith in C.F. No. S272354 of the O.P.R.R.P.H.C.;

4-65 5. Thence, with said southerly line of the 51.1936 acre  
4-66 tract and said northerly line of the 20.00 acre tract, South 88  
4-67 degrees 01 minutes 34 seconds West, a distance of 1,190.54 feet to a  
4-68 5/8-inch iron rod found at the southwest corner of said 51.1936 acre  
4-69 tract and an interior corner of said 20.00 acre tract;



5-1 6. Thence, with the westerly line of said 51.1936 acre  
5-2 tract, an easterly line of said 20.00 acre tract, and the easterly  
5-3 line of a called 58.4349 acre tract of land recorded in the name of  
5-4 John Bryan Lowe, Jr. in C.F. No. M000380 of the O.P.R.R.P.H.C.,  
5-5 North 02 degrees 10 minutes 06 seconds West, a distance of 1,859.46  
5-6 feet to a 5/8-inch iron rod found on the southerly right-of-way line  
5-7 of Botkins Road (66-feet wide) as established by aforesaid map of  
5-8 Harris County School Land;

5-9 7. Thence, with said southerly right-of-way line of Botkins  
5-10 Road, North 88 degrees 00 minutes 04 seconds East, a distance of  
5-11 1,190.96 feet to a 3/4-inch iron rod found at the intersection with  
5-12 aforesaid westerly right-of-way line of Becker Road;

5-13 8. Thence, with said westerly right-of-way line of Becker  
5-14 Road, South 02 degrees 09 minutes 19 seconds East, a distance of  
5-15 538.67 feet to the Point of Beginning and containing 48.84 acres of  
5-16 land.

5-17 Parcel 1- 55.37 Acres

5-18 Parcel 2- 48.84 Acres

5-19 Total - 104.21 Acres

5-20 SECTION 3. (a) The legal notice of the intention to  
5-21 introduce this Act, setting forth the general substance of this  
5-22 Act, has been published as provided by law, and the notice and a  
5-23 copy of this Act have been furnished to all persons, agencies,  
5-24 officials, or entities to which they are required to be furnished  
5-25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-26 Government Code.

5-27 (b) The governor, one of the required recipients, has  
5-28 submitted the notice and Act to the Texas Commission on  
5-29 Environmental Quality.

5-30 (c) The Texas Commission on Environmental Quality has filed  
5-31 its recommendations relating to this Act with the governor, the  
5-32 lieutenant governor, and the speaker of the house of  
5-33 representatives within the required time.

5-34 (d) All requirements of the constitution and laws of this  
5-35 state and the rules and procedures of the legislature with respect  
5-36 to the notice, introduction, and passage of this Act are fulfilled  
5-37 and accomplished.

5-38 SECTION 4. (a) If this Act does not receive a two-thirds  
5-39 vote of all the members elected to each house, Subchapter C, Chapter  
5-40 8036, Special District Local Laws Code, as added by Section 1 of  
5-41 this Act, is amended by adding Section 8036.0306 to read as follows:

5-42 Sec. 8036.0306. NO EMINENT DOMAIN POWER. The district may  
5-43 not exercise the power of eminent domain.

5-44 (b) This section is not intended to be an expression of a  
5-45 legislative interpretation of the requirements of Section 17(c),  
5-46 Article I, Texas Constitution.

5-47 SECTION 5. This Act takes effect immediately if it receives  
5-48 a vote of two-thirds of all the members elected to each house, as  
5-49 provided by Section 39, Article III, Texas Constitution. If this  
5-50 Act does not receive the vote necessary for immediate effect, this  
5-51 Act takes effect September 1, 2019.

5-52 \* \* \* \* \*