

1-1 By: Calanni (Senate Sponsor - Kolkhorst) H.B. No. 2671
1-2 (In the Senate - Received from the House May 8, 2019;
1-3 May 13, 2019, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 17, 2019, reported favorably by
1-5 the following vote: Yeas 7, Nays 0; May 17, 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. 569; 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 8057 to read as follows:

1-24 CHAPTER 8057. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 569

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8057.0101. 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. 569.

1-33 Sec. 8057.0102. 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. 8057.0103. 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. 8057.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section
1-42 8057.0103 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. 8057.0105. 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. 8057.0106. 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.

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8057.0201. 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 8057.0202, directors

2-11 serve staggered four-year terms.

2-12 Sec. 8057.0202. 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 8057.0103; 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 8057.0103 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 8057.0103; 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.

2-40 SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8057.0301. 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. 8057.0302. 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. 8057.0303. 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. 8057.0304. 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. 8057.0305. 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. 8057.0401. 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 8057.0403.

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. 8057.0402. OPERATION AND MAINTENANCE TAX. (a) If
 3-20 authorized at an election held under Section 8057.0401, 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. 8057.0403. 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. 8057.0501. 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. 8057.0502. 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. 8057.0503. 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. 569 initially includes all the territory contained in the
 3-55 following area:

3-56 A metes & bounds description of a 568.86 acre tract of land in
 3-57 the H. & T. C. Railroad Company Survey Section 129, Abstract 1715,
 3-58 and the W. I. Williamson Survey, Abstract 1591, Harris County,
 3-59 Texas, being comprised of a portion of that certain called
 3-60 1,263.584 acre tract recorded under County Clerk's File Number
 3-61 M959038, Official Public Records of Real Property, Harris County,
 3-62 Texas, and a portion of that certain called 0.673 acre tract
 3-63 recorded under County Clerk's File Number M959039, Official Public
 3-64 Records of Real Property, Harris County, Texas, with all bearings
 3-65 based upon the Texas Coordinate System of 1983, South Central Zone,
 3-66 based upon GPS observations.

3-67 Beginning at the southeast corner of said H. & T. C. Railroad
 3-68 Company Survey Section 129, Abstract 1715, same being the southwest
 3-69 corner of the adjoining George Spencer Survey, Abstract 1366, the

4-1 northwest corner of the adjoining H. & T. C. Railroad Company Survey
 4-2 Section 79, Abstract 464, and the northeast corner of the adjoining
 4-3 J. W. McCutcheon Survey Abstract 1713, as located in the
 4-4 intersection of Pitts Road and Stockdick School Road for the
 4-5 southeast corner of said called 1,263.584 acre tract, and the
 4-6 southeast corner and Point of Beginning of the herein described
 4-7 tract;

4-8 Thence South 87 degrees 58 minutes 25 seconds West along the
 4-9 south line of the herein described tract, the south line of said
 4-10 called 1,263.584 acre tract, and the south line of said H. & T. C.
 4-11 Railroad Company Survey Section 129, Abstract 1715, same being the
 4-12 north line of said adjoining J. W. McCutcheon Survey, Abstract
 4-13 1713, and the north line of the adjoining residue of a called
 4-14 1,277.0358 acre tract recorded in Volume 313, Page 416, Deed
 4-15 Records, Waller County, Texas, 1,915.78 feet to the intersection of
 4-16 said line with the Harris-Waller County line;

4-17 Thence North 18 degrees 54 minutes 19 seconds West along the
 4-18 Harris-Waller County line, 8,291.16 feet to the intersection of
 4-19 said line with the north line of the aforementioned W. I. Williamson
 4-20 Survey, Abstract 1591, said point being in the north line of the
 4-21 aforementioned called 0.673 acre tract, and being in the south line
 4-22 of the adjoining W. C. Pitts Survey, Abstract 1421, and the south
 4-23 line of an adjoining called 57.3029 acre tract recorded under
 4-24 County Clerk's File Number T720175, Official Public Records of Real
 4-25 Property, Harris County, Texas;

4-26 Thence North 88 degrees 01 minute 17 seconds East along the
 4-27 north line of the herein described tract, the north line of said
 4-28 called 0.673 acre tract, and the north line of said W. I. Williamson
 4-29 Survey, Abstract 1591, same being the south line of said adjoining
 4-30 W. C. Pitts Survey, Abstract 1421, the south line of said adjoining
 4-31 called 57.3029 acre tract, the south line of an adjoining called
 4-32 28.67 acre tract recorded under County Clerk's File Number
 4-33 20090481511, Official Public Records of Real Property, Harris
 4-34 County, Texas, the south line of an adjoining called 28.651 acre
 4-35 tract recorded under County Clerk's File Number V351108, Official
 4-36 Public Records of Real Property, Harris County, Texas, the south
 4-37 line of an adjoining called 10.00 acre tract recorded under County
 4-38 Clerk's File Number 20150355035, Official Public Records of Real
 4-39 Property, Harris County, Texas, the south line of an adjoining
 4-40 called 30.00 acre tract recorded under County Clerk's File Number
 4-41 20080536265, Official Public Records of Real Property, Harris
 4-42 County, Texas, and the south line of an adjoining called 11.370 acre
 4-43 tract recorded under County Clerk's File Number 20090481511,
 4-44 Official Public Records of Real Property, Harris County, Texas,
 4-45 4,330.03 feet to the northeast corner of the herein described tract
 4-46 and said W. I. Williamson Survey, Abstract 1591, same being the
 4-47 southeast corner of said adjoining W. C. Pitts Survey, Abstract
 4-48 1421, and being in the west line of the adjoining H. & T. C. Railroad
 4-49 Company Survey Section 77, Abstract 463;

4-50 Thence South 02 degrees 03 minutes 19 seconds East along the
 4-51 east line of the herein described tract and said W. I. Williamson
 4-52 Survey, Abstract 1591, same being the west line of said adjoining H.
 4-53 & T. C. Railroad Company Survey Section 77, Abstract 463, as located
 4-54 in Pitts Road, 2,633.29 feet to an angle point, said point being the
 4-55 southeast corner of said W. I. Williamson Survey, Abstract 1591,
 4-56 the southwest corner of said adjoining H. & T. C. Railroad Company
 4-57 Survey Section 77, Abstract 463, the northwest corner of the
 4-58 aforementioned adjoining George Spencer Survey, Abstract 1366, and
 4-59 the northeast corner of the aforementioned H. & T. C. Railroad
 4-60 Company Survey Section 129, Abstract 1715, as located in the
 4-61 intersection of Pitts Road and Beckendorff Road;

4-62 Thence South 01 degree 54 minutes 10 seconds East along the
 4-63 east line of the herein described tract and said H. & T. C. Railroad
 4-64 Company Survey Section 129, Abstract 1715, same being the west line
 4-65 of said adjoining George Spencer Survey, Abstract 1366, as located
 4-66 in Pitts Road, 2,651.18 feet to an angle point;

4-67 Thence South 01 degree 58 minutes 19 seconds East continuing
 4-68 along said line, 2,645.90 feet to the Point of Beginning and
 4-69 containing 568.86 acres of land, more or less.

5-1 SECTION 3. (a) The legal notice of the intention to
5-2 introduce this Act, setting forth the general substance of this
5-3 Act, has been published as provided by law, and the notice and a
5-4 copy of this Act have been furnished to all persons, agencies,
5-5 officials, or entities to which they are required to be furnished
5-6 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-7 Government Code.

5-8 (b) The governor, one of the required recipients, has
5-9 submitted the notice and Act to the Texas Commission on
5-10 Environmental Quality.

5-11 (c) The Texas Commission on Environmental Quality has filed
5-12 its recommendations relating to this Act with the governor, the
5-13 lieutenant governor, and the speaker of the house of
5-14 representatives within the required time.

5-15 (d) All requirements of the constitution and laws of this
5-16 state and the rules and procedures of the legislature with respect
5-17 to the notice, introduction, and passage of this Act are fulfilled
5-18 and accomplished.

5-19 SECTION 4. (a) If this Act does not receive a two-thirds
5-20 vote of all the members elected to each house, Subchapter C, Chapter
5-21 8057, Special District Local Laws Code, as added by Section 1 of
5-22 this Act, is amended by adding Section 8057.0306 to read as follows:

5-23 Sec. 8057.0306. NO EMINENT DOMAIN POWER. The district may
5-24 not exercise the power of eminent domain.

5-25 (b) This section is not intended to be an expression of a
5-26 legislative interpretation of the requirements of Section 17(c),
5-27 Article I, Texas Constitution.

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

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