

1-1 By: Kitzman (Senate Sponsor - Kolkhorst) H.B. No. 5413
 1-2 (In the Senate - Received from the House May 15, 2023;
 1-3 May 15, 2023, read first time and referred to Committee on Local
 1-4 Government; May 19, 2023, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 19, 2023, 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	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the powers and duties of the Waller County Municipal
 1-20 Utility District No. 2.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 8236.103, Special District Local Laws
 1-23 Code, is amended by adding Subsection (a-1) to read as follows:

1-24 (a-1) The district may design, acquire, construct, finance,
 1-25 issue bonds for, improve, operate, maintain, and convey to this
 1-26 state, a county, or a municipality for operation and maintenance
 1-27 macadamized, graveled, or paved roads or improvements, including
 1-28 storm drainage, in aid of those roads.

1-29 SECTION 2. Subchapter C, Chapter 8236, Special District
 1-30 Local Laws Code, is amended by adding Section 8236.105 to read as
 1-31 follows:

1-32 Sec. 8236.105. DIVISION OF DISTRICT. (a) The board, on its
 1-33 own motion or on receipt of a petition signed by the owner or owners
 1-34 of a majority of the assessed value of the real property in the
 1-35 district, may adopt an order dividing the district.

1-36 (b) An order dividing the district may create one or more
 1-37 new districts and may provide for the continuation of the district.

1-38 (c) An order dividing the district shall:

1-39 (1) name any new district;

1-40 (2) include the metes and bounds description of the
 1-41 territory of each of the districts;

1-42 (3) appoint temporary directors for any new district;

1-43 and

1-44 (4) provide for the division of assets and liabilities
 1-45 between the districts.

1-46 (d) The board may adopt an order dividing the district
 1-47 before or after the date the board holds an election to confirm the
 1-48 district's creation.

1-49 (e) The district may be divided only if the district:

1-50 (1) has never issued any bonds; and

1-51 (2) is not imposing ad valorem taxes.

1-52 (f) A new district created by the division of the district
 1-53 may not, at the time the new district is created, contain any land
 1-54 outside the area described by Section 2 of the Act enacting this
 1-55 chapter.

1-56 (g) On or before the 30th day after the date of adoption of
 1-57 an order dividing the district, the district shall file the order
 1-58 with the Texas Commission on Environmental Quality and record the
 1-59 order in the real property records of each county in which the
 1-60 district is located.

1-61 (h) This chapter applies to any new district created by the

2-1 division of the district, and a new district has all the powers and
2-2 duties of the district.

2-3 (i) A new district created by the division of the district
2-4 shall hold a confirmation and directors' election.

2-5 (j) If the creation of the new district is confirmed, the
2-6 new district shall provide the election date and results to the
2-7 Texas Commission on Environmental Quality.

2-8 (k) A new district created by the division of the district
2-9 must hold an election as required by this chapter to obtain voter
2-10 approval before the district may impose a maintenance tax or issue
2-11 bonds payable wholly or partly from ad valorem taxes.

2-12 (l) The district may continue to rely on confirmation,
2-13 directors', bond, and tax elections held before the division.

2-14 (m) Municipal consent to the creation of the district and to
2-15 the inclusion of land in the district acts as municipal consent to
2-16 the creation of any new district created by the division of the
2-17 district and to the inclusion of land in the new district.

2-18 SECTION 3. Sections 8236.103(b), (c), and (e), Special
2-19 District Local Laws Code, are repealed.

2-20 SECTION 4. The Waller County Municipal Utility District No.
2-21 2 retains all the rights, powers, privileges, authority, duties,
2-22 and functions that it had before the effective date of this Act.

2-23 SECTION 5. (a) The legislature validates and confirms all
2-24 governmental acts and proceedings of the Waller County Municipal
2-25 Utility District No. 2 that were taken before the effective date of
2-26 this Act.

2-27 (b) This section does not apply to any matter that on the
2-28 effective date of this Act:

2-29 (1) is involved in litigation if the litigation
2-30 ultimately results in the matter being held invalid by a final court
2-31 judgment; or

2-32 (2) has been held invalid by a final court judgment.

2-33 SECTION 6. (a) The legal notice of the intention to
2-34 introduce this Act, setting forth the general substance of this
2-35 Act, has been published as provided by law, and the notice and a
2-36 copy of this Act have been furnished to all persons, agencies,
2-37 officials, or entities to which they are required to be furnished
2-38 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-39 Government Code.

2-40 (b) The governor, one of the required recipients, has
2-41 submitted the notice and Act to the Texas Commission on
2-42 Environmental Quality.

2-43 (c) The Texas Commission on Environmental Quality has filed
2-44 its recommendations relating to this Act with the governor, the
2-45 lieutenant governor, and the speaker of the house of
2-46 representatives within the required time.

2-47 (d) All requirements of the constitution and laws of this
2-48 state and the rules and procedures of the legislature with respect
2-49 to the notice, introduction, and passage of this Act are fulfilled
2-50 and accomplished.

2-51 SECTION 7. This Act takes effect immediately if it receives
2-52 a vote of two-thirds of all the members elected to each house, as
2-53 provided by Section 39, Article III, Texas Constitution. If this
2-54 Act does not receive the vote necessary for immediate effect, this
2-55 Act takes effect September 1, 2023.

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