

1-1 By: Kitzman (Senate Sponsor - Kolkhorst) H.B. No. 5665
1-2 (In the Senate - Received from the House May 8, 2025;
1-3 May 21, 2025, read first time and referred to Committee on Local
1-4 Government; May 22, 2025, reported favorably by the following
1-5 vote: Yeas 6, Nays 0, 1 present not voting; May 22, 2025, sent to
1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10				x
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the creation of the Waller County Municipal Utility
1-19 District No. 70; granting a limited power of eminent domain;
1-20 providing authority to issue bonds; providing authority to impose
1-21 assessments, fees, and taxes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-24 Code, is amended by adding Chapter 8019A to read as follows:

1-25 CHAPTER 8019A. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 70

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 8019A.0101. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "Commission" means the Texas Commission on
1-30 Environmental Quality.

1-31 (3) "Director" means a board member.

1-32 (4) "District" means the Waller County Municipal
1-33 Utility District No. 70.

1-34 Sec. 8019A.0102. NATURE OF DISTRICT. The district is a
1-35 municipal utility district created under Section 59, Article XVI,
1-36 Texas Constitution.

1-37 Sec. 8019A.0103. CONFIRMATION AND DIRECTOR ELECTION
1-38 REQUIRED. The temporary directors shall hold an election to
1-39 confirm the creation of the district and to elect five permanent
1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 8019A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-42 temporary directors may not hold an election under Section
1-43 8019A.0103 until each municipality in whose corporate limits or
1-44 extraterritorial jurisdiction the district is located has
1-45 consented by ordinance or resolution to the creation of the
1-46 district and to the inclusion of land in the district as required by
1-47 applicable law.

1-48 Sec. 8019A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:

1-51 (1) a municipal utility district as provided by
1-52 general law and Section 59, Article XVI, Texas Constitution; and

1-53 (2) Section 52, Article III, Texas Constitution, that
1-54 relate to the construction, acquisition, improvement, operation,
1-55 or maintenance of macadamized, graveled, or paved roads, or
1-56 improvements, including storm drainage, in aid of those roads.

1-57 Sec. 8019A.0106. INITIAL DISTRICT TERRITORY. (a) The
1-58 district is initially composed of the territory described by
1-59 Section 2 of the Act enacting this chapter.

1-60 (b) The boundaries and field notes contained in Section 2 of
1-61 the Act enacting this chapter form a closure. A mistake made in the

2-1 field notes or in copying the field notes in the legislative process
 2-2 does not affect the district's:
 2-3 (1) organization, existence, or validity;
 2-4 (2) right to issue any type of bond for the purposes
 2-5 for which the district is created or to pay the principal of and
 2-6 interest on a bond;
 2-7 (3) right to impose a tax; or
 2-8 (4) legality or operation.

2-9 SUBCHAPTER B. BOARD OF DIRECTORS

2-10 Sec. 8019A.0201. GOVERNING BODY; TERMS. (a) The district
 2-11 is governed by a board of five elected directors.

2-12 (b) Except as provided by Section 8019A.0202, directors
 2-13 serve staggered four-year terms.

2-14 Sec. 8019A.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-15 board consists of:

- 2-16 (1) Lisa Angell;
- 2-17 (2) Josh Bouquet;
- 2-18 (3) Tyler Nunez;
- 2-19 (4) Steven Tennis; and
- 2-20 (5) Courtney Wilcox.

2-21 (b) Temporary directors serve until the earlier of:

2-22 (1) the date permanent directors are elected under
 2-23 Section 8019A.0103; or

2-24 (2) the fourth anniversary of the effective date of
 2-25 the Act enacting this chapter.

2-26 (c) If permanent directors have not been elected under
 2-27 Section 8019A.0103 and the terms of the temporary directors have
 2-28 expired, successor temporary directors shall be appointed or
 2-29 reappointed as provided by Subsection (d) to serve terms that
 2-30 expire on the earlier of:

2-31 (1) the date permanent directors are elected under
 2-32 Section 8019A.0103; or

2-33 (2) the fourth anniversary of the date of the
 2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a
 2-36 majority of the assessed value of the real property in the district
 2-37 may submit a petition to the commission requesting that the
 2-38 commission appoint as successor temporary directors the five
 2-39 persons named in the petition. The commission shall appoint as
 2-40 successor temporary directors the five persons named in the
 2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 8019A.0301. GENERAL POWERS AND DUTIES. The district
 2-44 has the powers and duties necessary to accomplish the purposes for
 2-45 which the district is created.

2-46 Sec. 8019A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-47 DUTIES. The district has the powers and duties provided by the
 2-48 general law of this state, including Chapters 49 and 54, Water Code,
 2-49 applicable to municipal utility districts created under Section 59,
 2-50 Article XVI, Texas Constitution.

2-51 Sec. 8019A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-52 Section 52, Article III, Texas Constitution, the district may
 2-53 design, acquire, construct, finance, issue bonds for, improve,
 2-54 operate, maintain, and convey to this state, a county, or a
 2-55 municipality for operation and maintenance macadamized, graveled,
 2-56 or paved roads, or improvements, including storm drainage, in aid
 2-57 of those roads.

2-58 Sec. 8019A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-59 road project must meet all applicable construction standards,
 2-60 zoning and subdivision requirements, and regulations of each
 2-61 municipality in whose corporate limits or extraterritorial
 2-62 jurisdiction the road project is located.

2-63 (b) If a road project is not located in the corporate limits
 2-64 or extraterritorial jurisdiction of a municipality, the road
 2-65 project must meet all applicable construction standards,
 2-66 subdivision requirements, and regulations of each county in which
 2-67 the road project is located.

2-68 (c) If the state will maintain and operate the road, the
 2-69 Texas Transportation Commission must approve the plans and

3-1 specifications of the road project.
 3-2 Sec. 8019A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 3-3 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-4 applicable requirements of any ordinance or resolution that is
 3-5 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-6 consents to the creation of the district or to the inclusion of land
 3-7 in the district.

3-8 Sec. 8019A.0306. DIVISION OF DISTRICT. This chapter
 3-9 applies to any new district created by the division of the district
 3-10 under Section 49.316, Water Code, and a new district has all the
 3-11 powers and duties of the district.

3-12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-13 Sec. 8019A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-14 The district may issue, without an election, bonds and other
 3-15 obligations secured by:

- 3-16 (1) revenue other than ad valorem taxes; or
 3-17 (2) contract payments described by Section
 3-18 8019A.0403.

3-19 (b) The district must hold an election in the manner
 3-20 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-21 before the district may impose an ad valorem tax or issue bonds
 3-22 payable from ad valorem taxes.

3-23 (c) The district may not issue bonds payable from ad valorem
 3-24 taxes to finance a road project unless the issuance is approved by a
 3-25 vote of a two-thirds majority of the district voters voting at an
 3-26 election held for that purpose.

3-27 Sec. 8019A.0402. OPERATION AND MAINTENANCE TAX. (a) If
 3-28 authorized at an election held under Section 8019A.0401, the
 3-29 district may impose an operation and maintenance tax on taxable
 3-30 property in the district in accordance with Section 49.107, Water
 3-31 Code.

3-32 (b) The board shall determine the tax rate. The rate may not
 3-33 exceed the rate approved at the election.

3-34 Sec. 8019A.0403. CONTRACT TAXES. (a) In accordance with
 3-35 Section 49.108, Water Code, the district may impose a tax other than
 3-36 an operation and maintenance tax and use the revenue derived from
 3-37 the tax to make payments under a contract after the provisions of
 3-38 the contract have been approved by a majority of the district voters
 3-39 voting at an election held for that purpose.

3-40 (b) A contract approved by the district voters may contain a
 3-41 provision stating that the contract may be modified or amended by
 3-42 the board without further voter approval.

3-43 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-44 Sec. 8019A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 3-45 OBLIGATIONS. The district may issue bonds or other obligations
 3-46 payable wholly or partly from ad valorem taxes, impact fees,
 3-47 revenue, contract payments, grants, or other district money, or any
 3-48 combination of those sources, to pay for any authorized district
 3-49 purpose.

3-50 Sec. 8019A.0502. TAXES FOR BONDS. At the time the district
 3-51 issues bonds payable wholly or partly from ad valorem taxes, the
 3-52 board shall provide for the annual imposition of a continuing
 3-53 direct ad valorem tax, without limit as to rate or amount, while all
 3-54 or part of the bonds are outstanding as required and in the manner
 3-55 provided by Sections 54.601 and 54.602, Water Code.

3-56 Sec. 8019A.0503. BONDS FOR ROAD PROJECTS. At the time of
 3-57 issuance, the total principal amount of bonds or other obligations
 3-58 issued or incurred to finance road projects and payable from ad
 3-59 valorem taxes may not exceed one-fourth of the assessed value of the
 3-60 real property in the district.

3-61 SECTION 2. The Waller County Municipal Utility District
 3-62 No. 70 initially includes all the territory contained in the
 3-63 following area:

3-64 FIELD NOTES FOR A 209.7636 ACRE TRACT OF LAND OUT OF A
 3-65 253.5235 ACRE TRACT OF LAND CONTAINING A 26.3883 ACRE TRACT
 3-66 (RESIDUE OF TRACT 2 BEING CALLED 126.655 ACRES IN VOLUME 880, PAGE
 3-67 482 OFFICIAL PUBLIC RECORDS) & A 27.1352 ACRE TRACT OF LAND BEING
 3-68 MADE UP OF A 126.640 ACRE TRACT (CALLED TRACT 1 IN VOLUME 880, PAGE
 3-69 482 OFFICIAL PUBLIC RECORDS) AND A PORTION OF THE 126.655 ACRE TRACT

4-1 (CALLED TRACT 2 IN VOLUME 880, PAGE 482 OFFICIAL PUBLIC RECORDS)
 4-2 BEING LOCATED IN THE ISAAC DONOHO SURVEY, ABSTRACT 121 AND THE JAMES
 4-3 BAKER SURVEY, ABSTRACT 11, WALLER COUNTY, TEXAS.

4-4 BEGINNING: At a 1/2 inch iron rod found in the East
 4-5 right-of-way line of Blumberg Road (80 foot width as fenced) for the
 4-6 Northwest corner of both the herein described tract and of the above
 4-7 called Tract 1, said point being the Southwest corner of a 5.000
 4-8 acre tract (Volume 1379, Page 546 Official Public Records);

4-9 THENCE: North 86 ° 53' 00" East with the North line of the
 4-10 herein described tract and the South line of the 5.000 acre tract
 4-11 and the South line of the residue of a 30.000 acre tract (Volume
 4-12 562, Page 921 Official Public Records) passing 2 streams at a
 4-13 distance of 3085.14 feet passing a 1/2 inch iron rod found for
 4-14 reference and continuing on for a total distance of 3185 .14 feet to
 4-15 a point in the center line of Clear Creek for the Northeast corner
 4-16 of the herein described tract and the Southeast corner of the
 4-17 residue of the 30.000 acre tract;

4-18 THENCE: With the center line of Clear Creek for the East line
 4-19 of the herein described tract the following:

- 4-20 South 05 ° 28' 17" East a distance of 44.69 feet to a point;
- 4-21 South 57 ° 31' 1 0" West a distance of 84.62 feet to a point;
- 4-22 South 49 ° 14' 55" West a distance of 107.95 feet to a point;
- 4-23 South 05 ° 19' 51" East a distance of 139 .80 feet to a point;
- 4-24 South 53 ° 56' 03" East a distance of 213.96 feet to a point;
- 4-25 South 04 ° 42' 16" West a distance of 102.65 feet to a point;
- 4-26 South 75 ° 35' 31" West a distance of 134.71 feet to a point;
- 4-27 South 82 ° 11' 12" West a distance of 146.83 feet to a point;
- 4-28 South 15 ° 25' 09" West a distance of 178.19 feet to a point;
- 4-29 South 77 ° 12' 16" West a distance of 284.71 feet to a point;
- 4-30 South 14 ° 32' 02" West a distance of 186.43 feet to a point;
- 4-31 South 07 ° 51' 23" West a distance of 291.98 feet to a point;
- 4-32 South 21 ° 43' 27" East a distance of 280.63 feet to a point;
- 4-33 South 76 ° 34' 55" East a distance of 131.62 feet to a point;
- 4-34 South 05 ° 17' 05" West a distance of 148.32 feet to a point;
- 4-35 South 64 ° 13' 49" West a distance of 95.23 feet to a point;
- 4-36 South 08 ° 46' 16" East a distance of 290.01 feet to a point;
- 4-37 North 83 ° 17' 03" West a distance of 94.83 feet to a point;
- 4-38 South 51 ° 09' 45" West a distance of 48.57 feet to a point;
- 4-39 South 22 ° 38' 08 11 East a distance of 82.86 feet to a point;
- 4-40 South 47 ° 06' 35" West a distance of 174.53 feet to a point;
- 4-41 South 70 ° 26' 44 11 West a distance of 323.06 feet to a point;
- 4-42 South 03 ° 25' 46 11 East a distance of 104.56 feet to a point;
- 4-43 South 73 ° 58' 49 11 West a distance of 82.53 feet to a point;
- 4-44 South 10 ° 00' 14" West a distance of 149.56 feet to a point;
- 4-45 South 31 ° 36' 1 8 11 West a distance of 134.30 feet to a point;
- 4-46 South 30 ° 42' 52 11 East a distance of 193.08 feet to a point;
- 4-47 South 68 ° 06' 52 11 West a distance of 232.04 feet to a point;
- 4-48 South 14 ° 49' 27" West a distance of 232.91 feet to a point;
- 4-49 South 05 ° 27' 43 11 East a distance of 223.66 feet to a point;
- 4-50 South 23 ° 20' 42" West a distance of 108.18 feet to a point;
- 4-51 South 09 ° 19' 58 11 East a distance of 220.50 feet to a point;
- 4-52 South 83 ° 24' 4 3" East a distance of 129. 70 feet to a point;
- 4-53 South 10 ° 4 7' 06" East a distance of 212.48 feet to a point

4-54 for the Southeast corner of the herein described tract and a
 4-55 Northeast corner of a called 148.446 acre tract (Volume 569 , Page
 4-56 202 Official Public Records);

4-57 THENCE: South 86 ° 03' 40" West at a distance of 100.00 feet
 4-58 passing a 1/2 inch iron rod found for reference, continuing on for a
 4-59 total distance of 1552.29 feet to a 30 inch tree found being the
 4-60 called deed corner of the 148.446 acre tract for a Southwest corner
 4-61 of the herein described tract, from said point a concrete monument
 4-62 found bears South 87 ° 42' 40 11 West a distance of 8.58 feet;

4-63 THENCE: North 03 ° 33' 20" West a distance of 1155.65 feet with
 4-64 the common line of this tract and the 148.446 acre tract to a
 4-65 concrete monument found for a Northeast corner of the 148.446 acre
 4-66 tract and an angle point for a West line of the herein described
 4-67 tract and being the Southeast corner of the residue of the above
 4-68 253.5235 acre tract;

4-69 THENCE: North 03 ° 20' 21 11 West a distance of 134.02 feet

5-1 with the West line of the Donoho Survey, Abstract 121 and the East
5-2 line of the Baker Survey, Abstract 11, to a 1/2 inch iron rod set for
5-3 an interior corner of this tract;

5-4 THENCE: North 16 ° 34' 51" West a distance of 1227.60 feet to
5-5 a 1/2 inch iron rod set for an interior corner of this tract and the
5-6 Northeast corner of the residue of the above 253.5235 acre tract;

5-7 THENCE: With the common line of this tract and the residue of
5-8 the above 253.5235 acre tract the following:

5-9 With a curve to the right having a radius of 696.00 feet, a
5-10 length of 344.41 feet with a chord bearing of North 72 ° 20' 50" West
5-11 a distance of 340.91 feet to a 1/2 inch iron rod set at the end of
5-12 said curve;

5-13 North 58° 10' 16" West a distance of 247.63 feet to a 1/2 inch
5-14 iron rod set at the beginning of a curve to the left;

5-15 With a curve to the left having a radius of 9.00 feet, a
5-16 length of 13.92 feet with a chord bearing of South 77° 30' 31" West
5-17 with a distance of 12.58 feet to a 1/2 inch iron rod set at the end of
5-18 said curve;

5-19 North 57° 41' 35" West a distance of 16.00 feet to a 1/2 inch
5-20 iron rod set in the East line of Blumberg Road for the Westernmost
5-21 Southwest corner of the herein described tract and the Northwest
5-22 corner of the residue of the above 253.5235 acre tract;

5-23 THENCE: With the Southeast line of Blumberg Road and the West
5-24 line of the herein described tract the following:

5-25 North 33° 11' 18" East a distance of 125.07 feet to a 1/2 inch
5-26 iron rod found;

5-27 With a curve to the left having a radius of 2730.26 feet, a
5-28 length of 697.42 feet with a chord bearing of North 25° 32' 07" East
5-29 and a distance of 695.53 feet to a 1/2 inch iron rod found;

5-30 North 18° 31' 13" East a distance of 530.28 feet to the PLACE
5-31 OF BEGINNING and containing 209.7636 acres of land.

5-32 All bearings recited hereon are based GPS observation, Texas
5-33 South-Central Zone.

5-34 SECTION 3. (a) The legal notice of the intention to
5-35 introduce this Act, setting forth the general substance of this
5-36 Act, has been published as provided by law, and the notice and a
5-37 copy of this Act have been furnished to all persons, agencies,
5-38 officials, or entities to which they are required to be furnished
5-39 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-40 Government Code.

5-41 (b) The governor, one of the required recipients, has
5-42 submitted the notice and Act to the Texas Commission on
5-43 Environmental Quality.

5-44 (c) The Texas Commission on Environmental Quality has filed
5-45 its recommendations relating to this Act with the governor, the
5-46 lieutenant governor, and the speaker of the house of
5-47 representatives within the required time.

5-48 (d) All requirements of the constitution and laws of this
5-49 state and the rules and procedures of the legislature with respect
5-50 to the notice, introduction, and passage of this Act are fulfilled
5-51 and accomplished.

5-52 SECTION 4. (a) If this Act does not receive a two-thirds
5-53 vote of all the members elected to each house, Subchapter C, Chapter
5-54 8019A, Special District Local Laws Code, as added by Section 1 of
5-55 this Act, is amended by adding Section 8019A.0307 to read as
5-56 follows:

5-57 Sec. 8019A.0307. NO EMINENT DOMAIN POWER. The district may
5-58 not exercise the power of eminent domain.

5-59 (b) This section is not intended to be an expression of a
5-60 legislative interpretation of the requirements of Section 17(c),
5-61 Article I, Texas Constitution.

5-62 SECTION 5. This Act takes effect immediately if it receives
5-63 a vote of two-thirds of all the members elected to each house, as
5-64 provided by Section 39, Article III, Texas Constitution. If this
5-65 Act does not receive the vote necessary for immediate effect, this
5-66 Act takes effect September 1, 2025.

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