

1-1 By: Oliverson (Senate Sponsor - Kolkhorst) H.B. No. 4592  
 1-2 (In the Senate - Received from the House May 3, 2021;  
 1-3 May 10, 2021, read first time and referred to Committee on Local  
 1-4 Government; May 21, 2021, reported favorably by the following  
 1-5 vote: Yeas 7, Nays 0; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Menéndez	X			
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Paxton	X			
1-14 Springer	X			
1-15 Zaffirini			X	

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

1-19 relating to the creation of the Harris County Water Control and  
 1-20 Improvement District No. 164; granting a limited power of eminent  
 1-21 domain; providing authority to issue bonds; providing authority to  
 1-22 impose assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle I, Title 6, Special District Local Laws  
 1-25 Code, is amended by adding Chapter 9089 to read as follows:

1-26 CHAPTER 9089. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT  
 1-27 NO. 164

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 9089.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on  
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Harris County Water Control  
 1-35 and Improvement District No. 164.

1-36 Sec. 9089.0102. NATURE OF DISTRICT. The district is a water  
 1-37 control and improvement district created under Section 59, Article  
 1-38 XVI, Texas Constitution.

1-39 Sec. 9089.0103. CONFIRMATION AND DIRECTORS' ELECTION  
 1-40 REQUIRED. The temporary directors shall hold an election to  
 1-41 confirm the creation of the district and to elect five permanent  
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 9089.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
 1-44 temporary directors may not hold an election under Section  
 1-45 9089.0103 until each municipality in whose corporate limits or  
 1-46 extraterritorial jurisdiction the district is located has  
 1-47 consented by ordinance or resolution to the creation of the  
 1-48 district and to the inclusion of land in the district.

1-49 Sec. 9089.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:

1-52 (1) a water control and improvement district as  
 1-53 provided by general law and Section 59, Article XVI, Texas  
 1-54 Constitution, including the collection, transportation,  
 1-55 processing, disposal, and control of domestic, industrial, or  
 1-56 communal waste and the gathering, conducting, diverting, and  
 1-57 control of local storm water or other harmful excesses of water; and

1-58 (2) Section 52, Article III, Texas Constitution, that  
 1-59 relate to the construction, acquisition, improvement, operation,  
 1-60 or maintenance of macadamized, graveled, or paved roads, or  
 1-61 improvements, including storm drainage, in aid of those roads.

2-1 Sec. 9089.0106. INITIAL DISTRICT TERRITORY. (a) The  
 2-2 district is initially composed of the territory described by  
 2-3 Section 2 of the Act enacting this chapter.

2-4 (b) The boundaries and field notes contained in Section 2 of  
 2-5 the Act enacting this chapter form a closure. A mistake made in the  
 2-6 field notes or in copying the field notes in the legislative process  
 2-7 does not affect the district's:

- 2-8 (1) organization, existence, or validity;
- 2-9 (2) right to issue any type of bond for the purposes  
 2-10 for which the district is created or to pay the principal of and  
 2-11 interest on a bond;
- 2-12 (3) right to impose a tax; or
- 2-13 (4) legality or operation.

2-14 SUBCHAPTER B. BOARD OF DIRECTORS

2-15 Sec. 9089.0201. GOVERNING BODY; TERMS. (a) The district is  
 2-16 governed by a board of five elected directors.

2-17 (b) Except as provided by Section 9089.0202, directors  
 2-18 serve staggered four-year terms.

2-19 Sec. 9089.0202. TEMPORARY DIRECTORS. (a) The temporary  
 2-20 board consists of:

- 2-21 (1) Louis Girard;
- 2-22 (2) Henry Chapman;
- 2-23 (3) Ford Allen;
- 2-24 (4) Michael Pratts; and
- 2-25 (5) Jay Kolb.

2-26 (b) Temporary directors serve until the earlier of:

- 2-27 (1) the date permanent directors are elected under  
 2-28 Section 9089.0103; or
- 2-29 (2) the fourth anniversary of the effective date of  
 2-30 the Act enacting this chapter.

2-31 (c) If permanent directors have not been elected under  
 2-32 Section 9089.0103 and the terms of the temporary directors have  
 2-33 expired, successor temporary directors shall be appointed or  
 2-34 reappointed as provided by Subsection (d) to serve terms that  
 2-35 expire on the earlier of:

- 2-36 (1) the date permanent directors are elected under  
 2-37 Section 9089.0103; or
- 2-38 (2) the fourth anniversary of the date of the  
 2-39 appointment or reappointment.

2-40 (d) If Subsection (c) applies, the owner or owners of a  
 2-41 majority of the assessed value of the real property in the district  
 2-42 may submit a petition to the commission requesting that the  
 2-43 commission appoint as successor temporary directors the five  
 2-44 persons named in the petition. The commission shall appoint as  
 2-45 successor temporary directors the five persons named in the  
 2-46 petition.

2-47 SUBCHAPTER C. POWERS AND DUTIES

2-48 Sec. 9089.0301. GENERAL POWERS AND DUTIES. The district  
 2-49 has the powers and duties necessary to accomplish the purposes for  
 2-50 which the district is created.

2-51 Sec. 9089.0302. WATER CONTROL AND IMPROVEMENT DISTRICT  
 2-52 POWERS AND DUTIES. The district has the powers and duties provided  
 2-53 by the general law of this state, including Chapters 49 and 51,  
 2-54 Water Code, applicable to water control and improvement districts  
 2-55 created under Section 59, Article XVI, Texas Constitution,  
 2-56 specifically including the powers and duties authorized under  
 2-57 Subchapter H, Chapter 51, Water Code.

2-58 Sec. 9089.0303. AUTHORITY FOR ROAD PROJECTS. Under Section  
 2-59 52, Article III, Texas Constitution, the district may design,  
 2-60 acquire, construct, finance, issue bonds for, improve, operate,  
 2-61 maintain, and convey to this state, a county, or a municipality for  
 2-62 operation and maintenance macadamized, graveled, or paved roads, or  
 2-63 improvements, including storm drainage, in aid of those roads.

2-64 Sec. 9089.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
 2-65 road project must meet all applicable construction standards,  
 2-66 zoning and subdivision requirements, and regulations of each  
 2-67 municipality in whose corporate limits or extraterritorial  
 2-68 jurisdiction the road project is located.

2-69 (b) If a road project is not located in the corporate limits

3-1 or extraterritorial jurisdiction of a municipality, the road  
 3-2 project must meet all applicable construction standards,  
 3-3 subdivision requirements, and regulations of each county in which  
 3-4 the road project is located.

3-5 (c) If the state will maintain and operate the road, the  
 3-6 Texas Transportation Commission must approve the plans and  
 3-7 specifications of the road project.

3-8 Sec. 9089.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
 3-9 ORDINANCE OR RESOLUTION. The district shall comply with all  
 3-10 applicable requirements of any ordinance or resolution that is  
 3-11 adopted under Section 42.042 or 42.0425, Local Government Code, and  
 3-12 consents to the creation of the district or to the inclusion of land  
 3-13 in the district.

3-14 Sec. 9089.0306. LIMITATION ON USE OF EMINENT DOMAIN. The  
 3-15 district may not exercise the power of eminent domain outside the  
 3-16 district boundaries to acquire a site or easement for:

3-17 (1) a recreational facility, as defined by Section  
 3-18 49.462, Water Code; or

3-19 (2) a road project authorized by Section 9089.0303.

3-20 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-21 Sec. 9089.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
 3-22 The district may issue, without an election, bonds and other  
 3-23 obligations secured by:

3-24 (1) revenue other than ad valorem taxes; or

3-25 (2) contract payments described by Section 9089.0403.

3-26 (b) The district must hold an election in the manner  
 3-27 provided by Chapters 49 and 51, Water Code, to obtain voter approval  
 3-28 before the district may impose an ad valorem tax or issue bonds  
 3-29 payable from ad valorem taxes.

3-30 (c) The district may not issue bonds payable from ad valorem  
 3-31 taxes to finance a road project unless the issuance is approved by a  
 3-32 vote of a two-thirds majority of the district voters voting at an  
 3-33 election held for that purpose.

3-34 Sec. 9089.0402. OPERATION AND MAINTENANCE TAX. (a) If  
 3-35 authorized at an election held under Section 9089.0401, the  
 3-36 district may impose an operation and maintenance tax on taxable  
 3-37 property in the district in accordance with Section 49.107, Water  
 3-38 Code.

3-39 (b) The board shall determine the tax rate. The rate may not  
 3-40 exceed the rate approved at the election.

3-41 Sec. 9089.0403. CONTRACT TAXES. (a) In accordance with  
 3-42 Section 49.108, Water Code, the district may impose a tax other than  
 3-43 an operation and maintenance tax and use the revenue derived from  
 3-44 the tax to make payments under a contract after the provisions of  
 3-45 the contract have been approved by a majority of the district voters  
 3-46 voting at an election held for that purpose.

3-47 (b) A contract approved by the district voters may contain a  
 3-48 provision stating that the contract may be modified or amended by  
 3-49 the board without further voter approval.

3-50 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-51 Sec. 9089.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
 3-52 OBLIGATIONS. The district may issue bonds or other obligations  
 3-53 payable wholly or partly from ad valorem taxes, impact fees,  
 3-54 revenue, contract payments, grants, or other district money, or any  
 3-55 combination of those sources, to pay for any authorized district  
 3-56 purpose.

3-57 Sec. 9089.0502. TAXES FOR BONDS. At the time the district  
 3-58 issues bonds payable wholly or partly from ad valorem taxes, the  
 3-59 board shall provide for the annual imposition of a continuing  
 3-60 direct ad valorem tax, without limit as to rate or amount, while all  
 3-61 or part of the bonds are outstanding as required and in the manner  
 3-62 provided by Section 51.433, Water Code.

3-63 Sec. 9089.0503. BONDS FOR ROAD PROJECTS. At the time of  
 3-64 issuance, the total principal amount of bonds or other obligations  
 3-65 issued or incurred to finance road projects and payable from ad  
 3-66 valorem taxes may not exceed one-fourth of the assessed value of the  
 3-67 real property in the district.

3-68 Sec. 9089.0504. BONDS FOR RECREATIONAL FACILITIES. (a)  
 3-69 The district may develop recreational facilities and issue bonds

4-1 for recreational facilities as provided by Chapter 49, Water Code,  
 4-2 regardless of whether the district's territory overlaps with the  
 4-3 territory of a political subdivision that is authorized to develop  
 4-4 recreational facilities and issue bonds for recreational  
 4-5 facilities under Chapter 49, Water Code.

4-6 (b) The authority of the district to develop recreational  
 4-7 facilities and issue bonds for recreational facilities under this  
 4-8 section does not limit the authority of another political  
 4-9 subdivision whose territory the territory of the district may  
 4-10 overlap, wholly or partly, to develop recreational facilities and  
 4-11 issue bonds for recreational facilities under Chapter 49, Water  
 4-12 Code.

4-13 SECTION 2. The Harris County Water Control and Improvement  
 4-14 District No. 164 initially includes all the territory contained in  
 4-15 the following area:

4-16 Being a 192.3 acre tract of land located in the E.R. Green  
 4-17 Survey, Abstract No. 307 in Harris County, Texas; said 192.3 acre  
 4-18 tract being a portion of a called 198.4 acre tract of land recorded  
 4-19 in the name of Emptor Betka. LLC. in Clerk's File (C.F.)  
 4-20 No. RP-2020-616041 of the Official Public Records of Real Property  
 4-21 of Harris County (O.P.R.R.P.H.C.); said 192.3 acre tract being more  
 4-22 particularly described by metes and bounds as follows (all bearings  
 4-23 are referenced to the Texas Coordinate System, North American Datum  
 4-24 of 1983 (NAD83), South Central Zone):

4-25 Beginning at a 1/2-inch iron rod found at the northeast  
 4-26 corner of said 198.4 acre tract and the northwest corner of a called  
 4-27 1.75 acre tract recorded in the name of Roderick Cantu and Sheadian  
 4-28 Atika Cantu, husband and wife, and Jeremy Robert Claiborne in C.F.  
 4-29 No. RP-2019-446964 of the O.P.R.R.P.H.C., and being on the  
 4-30 southerly right-of-way line of Betka Road (60 feet wide);

4-31 1. Thence, with the easterly line of said 198.4 acre tract  
 4-32 and the westerly line of said 1.75 acre tract, South 01 degrees 43  
 4-33 minutes 16 seconds East, a distance of 480.39 feet to a 5/8-inch  
 4-34 iron rod found at the southwest corner of said 1.75 acre tract and  
 4-35 the northwest corner of a called 33.84 acre tract of land recorded  
 4-36 in the name of Arthur Liere in C.F. No. Y500999 of the  
 4-37 O.P.R.R.P.H.C.;

4-38 2. Thence, continuing with the easterly lines of said 198.4  
 4-39 acre tract, the westerly line of said 33.84 acre tract and the  
 4-40 westerly line of a called 25.64 acre tract of land recorded in the  
 4-41 name of Arthur Roy Liere, Sr. in C.F. No. U739040 of the  
 4-42 O.P.R.R.P.H.C., South 01 degrees 44 minutes 01 seconds East, a  
 4-43 distance of 633.11 feet to a found 5/8-inch iron rod with "Prejean"  
 4-44 cap;

4-45 3. Thence, continuing with the easterly line of said 198.4  
 4-46 acre tract, the westerly line of said 25.64 acre tract, South 01  
 4-47 degrees 49 minutes 23 seconds East, at distance of 298.77 feet pass  
 4-48 a 5/8-inch iron rod with "Prejean" cap" found at an interior corner  
 4-49 of said 198.4 acre tract and continuing a total distance of 428.78  
 4-50 feet to a 5/8-inch iron rod found at an interior corner of said  
 4-51 198.4 acre tract and the northwest corner of a called 65.239 acre  
 4-52 tract of land recorded in the name of CCI Hockley, LLC. in C.F.  
 4-53 No. RP-2020-175741 of the O.P.R.R.P.H.C.;

4-54 4. Thence, with the easterly line of said 198.4 acre tract  
 4-55 and the westerly line of said 65.239 acre tract, South 01 degrees 45  
 4-56 minutes 50 seconds East, a distance of 1,249.20 feet to a 5/8-inch  
 4-57 iron rod with cap stamped "COSTELLO INC" found;

4-58 5. Thence, continuing with the easterly line of said 198.4  
 4-59 acre tract and the westerly line of said 65.239 acre tract, South 01  
 4-60 degrees 53 minutes 46 seconds East, a distance of 794.23 feet to a  
 4-61 5/8-inch iron rod found at the southwest corner of said 65.239 acre  
 4-62 tract and the northwest corner of a called 30 acre tract of land  
 4-63 recorded in the name of F. E. Dennison in C.F. No. B746174 of the  
 4-64 O.P.R.R.P.H.C.;

4-65 6. Thence, continuing with the easterly line of said 198.4  
 4-66 acre tract and the westerly line of said 30 acre tract, South 01  
 4-67 degrees 46 minutes 15 seconds East, a distance of 375.43 feet to a  
 4-68 5/8-inch iron rod with cap stamped "COSTELLO INC" found;

4-69 7. Thence, continuing with the easterly line of said 198.4

5-1 acre tract and the westerly line of said 30 acre tract, South 02  
 5-2 degrees 11 minutes 29 seconds East, a distance of 264.05 feet to a  
 5-3 5/8-inch iron rod with cap stamped "COSTELLO INC" found at the  
 5-4 southwest corner of said 30 acre tract and the northwest corner of a  
 5-5 called 39.365 acre tract of land recorded in the name of Floyd  
 5-6 Emanuel Dennison and wife, Ruby Dennison in C.F. No. J223460 of the  
 5-7 O.P.R.R.P.H.C.;

5-8 8. Thence, continuing with the easterly line of said 198.4  
 5-9 acre tract and with the westerly line of said 39.365 acre tract,  
 5-10 South 01 degrees 48 minutes 44 seconds East, a distance of 1,046.67  
 5-11 feet to a 5/8-inch iron rod with cap stamped "COSTELLO INC" found at  
 5-12 the southeast corner of said 198.4 acre tract and the southwest  
 5-13 corner of said 39.365 acre tract, and being on the northerly line of  
 5-14 a called 617.0 acre tract of land recorded in the name of Emptor  
 5-15 Hockley LLC. in C.F. No. RP-2020-106668 of the O.P.R.R.P.H.C.;

5-16 9. Thence, with the southerly line of said 198.4 acre tract  
 5-17 and the northerly line of said 617.0 acre tract, South 88 degrees 01  
 5-18 minutes 10 seconds West, a distance of 1,589.27 feet to a 5/8-inch  
 5-19 iron rod with "Prejean" cap found at the southwest corner of said  
 5-20 198.4 acre tract and the southeast corner of a called 197.0000 acre  
 5-21 tract of land recorded in the name of DXC Technology Services LLC.  
 5-22 in C.F. No. RP-2018-66195 of the O.P.R.R.P.H.C.;

5-23 10. Thence, with the westerly line of said 198.4 acre tract  
 5-24 and the easterly line of said 197.0000 acre tract, North 01 degrees  
 5-25 49 minutes 20 seconds West, at a distance of 2,775.23 feet pass a  
 5-26 5/8-inch iron rod with "Prejean" cap found at the southeast corner  
 5-27 of Reserve "A" of HP Data Center Sec 1, a subdivision recorded under  
 5-28 Film Code No. 631126 of the Map Records of Harris County, and  
 5-29 continuing with the easterly line of said HP Data Center Sec 1 a  
 5-30 total distance of 5,275.06 feet to a 5/8-inch iron rod with  
 5-31 "Prejean" cap found at the northwest corner of said 198.4 acre tract  
 5-32 and the northeast corner of said 197.0000 acre tract and said HP  
 5-33 Data Center Sec 1, and being on the southerly right-of-way line of  
 5-34 aforesaid Betka Road;

5-35 Thence, with the northerly line of said 198.4 acre tract and  
 5-36 said southerly right-of-way line of Betka Road, the following three  
 5-37 courses:

5-38 11. North 88 degrees 20 minutes 14 seconds East, a distance  
 5-39 of 281.70 feet to a 5/8-inch iron rod with "Prejean" cap found;

5-40 12. North 88 degrees 08 minutes 11 seconds East, a distance  
 5-41 of 989.89 feet to a 5/8-inch iron rod with "Prejean" cap found;

5-42 13. North 87 degrees 57 minutes 04 seconds East, a distance  
 5-43 of 318.55 feet to the Point of Beginning and containing 192.3 acres  
 5-44 of land.

5-45 SECTION 3. (a) The legal notice of the intention to  
 5-46 introduce this Act, setting forth the general substance of this  
 5-47 Act, has been published as provided by law, and the notice and a  
 5-48 copy of this Act have been furnished to all persons, agencies,  
 5-49 officials, or entities to which they are required to be furnished  
 5-50 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 5-51 Government Code.

5-52 (b) The governor, one of the required recipients, has  
 5-53 submitted the notice and Act to the Texas Commission on  
 5-54 Environmental Quality.

5-55 (c) The Texas Commission on Environmental Quality has filed  
 5-56 its recommendations relating to this Act with the governor, the  
 5-57 lieutenant governor, and the speaker of the house of  
 5-58 representatives within the required time.

5-59 (d) All requirements of the constitution and laws of this  
 5-60 state and the rules and procedures of the legislature with respect  
 5-61 to the notice, introduction, and passage of this Act are fulfilled  
 5-62 and accomplished.

5-63 SECTION 4. (a) Section 9089.0306, Special District Local  
 5-64 Laws Code, as added by Section 1 of this Act, takes effect only if  
 5-65 this Act receives a two-thirds vote of all the members elected to  
 5-66 each house.

5-67 (b) If this Act does not receive a two-thirds vote of all the  
 5-68 members elected to each house, Subchapter C, Chapter 9089, Special  
 5-69 District Local Laws Code, as added by Section 1 of this Act, is

6-1 amended by adding Section 9089.0306 to read as follows:

6-2 Sec. 9089.0306. NO EMINENT DOMAIN POWER. The district may  
6-3 not exercise the power of eminent domain.

6-4 (c) This section is not intended to be an expression of a  
6-5 legislative interpretation of the requirements of Section 17(c),  
6-6 Article I, Texas Constitution.

6-7 SECTION 5. This Act takes effect immediately if it receives  
6-8 a vote of two-thirds of all the members elected to each house, as  
6-9 provided by Section 39, Article III, Texas Constitution. If this  
6-10 Act does not receive the vote necessary for immediate effect, this  
6-11 Act takes effect September 1, 2021.

6-12

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