

1-1 By: Wilson (Senate Sponsor - Flores) H.B. No. 5357
 1-2 (In the Senate - Received from the House May 10, 2023;
 1-3 May 10, 2023, read first time and referred to Committee on Local
 1-4 Government; May 17, 2023, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-10 Eckhardt	X			
1-11 Gutierrez	X			
1-12 Hall	X			
1-13 Nichols	X			
1-14 Parker	X			
1-15 Paxton	X			
1-16 West	X			

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

1-19 relating to the creation of the Liberty Hill Municipal Utility
 1-20 District; granting a limited power of eminent domain; providing
 1-21 authority to issue bonds; providing authority to impose
 1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 7947A to read as follows:

1-26 CHAPTER 7947A. LIBERTY HILL MUNICIPAL UTILITY DISTRICT

1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7947A.0101. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.

1-30 (2) "Commission" means the Texas Commission on
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.

1-33 (4) "District" means the Liberty Hill Municipal
 1-34 Utility District.

1-35 Sec. 7947A.0102. NATURE OF DISTRICT. The district is a
 1-36 municipal utility district created under Section 59, Article XVI,
 1-37 Texas Constitution.

1-38 Sec. 7947A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-39 REQUIRED. The temporary directors shall hold an election to
 1-40 confirm the creation of the district and to elect five permanent
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 7947A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 7947A.0103 until each municipality in whose corporate limits or
 1-45 extraterritorial jurisdiction the district is located has
 1-46 consented by ordinance or resolution to the creation of the
 1-47 district and to the inclusion of land in the district as required by
 1-48 applicable law.

1-49 Sec. 7947A.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 municipal utility district as provided by
 1-53 general law and Section 59, Article XVI, Texas Constitution; and

1-54 (2) Section 52, Article III, Texas Constitution, that
 1-55 relate to the construction, acquisition, improvement, operation,
 1-56 or maintenance of macadamized, graveled, or paved roads, or
 1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 7947A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-59 district is initially composed of the territory described by
 1-60 Section 2 of the Act enacting this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of

2-1 the Act enacting this chapter form a closure. A mistake made in the
 2-2 field notes or in copying the field notes in the legislative process
 2-3 does not affect the district's:

- 2-4 (1) organization, existence, or validity;
- 2-5 (2) right to issue any type of bond for the purposes
 2-6 for which the district is created or to pay the principal of and
 2-7 interest on a bond;
- 2-8 (3) right to impose a tax; or
- 2-9 (4) legality or operation.

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 7947A.0201. GOVERNING BODY; TERMS. (a) The district
 2-12 is governed by a board of five elected directors.

2-13 (b) Except as provided by Section 7947A.0202, directors
 2-14 serve staggered four-year terms.

2-15 Sec. 7947A.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-16 effective date of the Act enacting this chapter, the owner or owners
 2-17 of a majority of the assessed value of the real property in the
 2-18 district may submit a petition to the commission requesting that
 2-19 the commission appoint as temporary directors the five persons
 2-20 named in the petition. The commission shall appoint as temporary
 2-21 directors the five persons named in the petition.

2-22 (b) Temporary directors serve until the earlier of:

2-23 (1) the date permanent directors are elected under
 2-24 Section 7947A.0103; or

2-25 (2) the fourth anniversary of the effective date of
 2-26 the Act enacting this chapter.

2-27 (c) If permanent directors have not been elected under
 2-28 Section 7947A.0103 and the terms of the temporary directors have
 2-29 expired, successor temporary directors shall be appointed or
 2-30 reappointed as provided by Subsection (d) to serve terms that
 2-31 expire on the earlier of:

2-32 (1) the date permanent directors are elected under
 2-33 Section 7947A.0103; or

2-34 (2) the fourth anniversary of the date of the
 2-35 appointment or reappointment.

2-36 (d) If Subsection (c) applies, the owner or owners of a
 2-37 majority of the assessed value of the real property in the district
 2-38 may submit a petition to the commission requesting that the
 2-39 commission appoint as successor temporary directors the five
 2-40 persons named in the petition. The commission shall appoint as
 2-41 successor temporary directors the five persons named in the
 2-42 petition.

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 7947A.0301. GENERAL POWERS AND DUTIES. The district
 2-45 has the powers and duties necessary to accomplish the purposes for
 2-46 which the district is created.

2-47 Sec. 7947A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-48 DUTIES. The district has the powers and duties provided by the
 2-49 general law of this state, including Chapters 49 and 54, Water Code,
 2-50 applicable to municipal utility districts created under Section 59,
 2-51 Article XVI, Texas Constitution.

2-52 Sec. 7947A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-53 Section 52, Article III, Texas Constitution, the district may
 2-54 design, acquire, construct, finance, issue bonds for, improve,
 2-55 operate, maintain, and convey to this state, a county, or a
 2-56 municipality for operation and maintenance macadamized, graveled,
 2-57 or paved roads, or improvements, including storm drainage, in aid
 2-58 of those roads.

2-59 Sec. 7947A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-60 road project must meet all applicable construction standards,
 2-61 zoning and subdivision requirements, and regulations of each
 2-62 municipality in whose corporate limits or extraterritorial
 2-63 jurisdiction the road project is located.

2-64 (b) If a road project is not located in the corporate limits
 2-65 or extraterritorial jurisdiction of a municipality, the road
 2-66 project must meet all applicable construction standards,
 2-67 subdivision requirements, and regulations of each county in which
 2-68 the road project is located.

2-69 (c) If the state will maintain and operate the road, the

3-1 Texas Transportation Commission must approve the plans and
3-2 specifications of the road project.

3-3 Sec. 7947A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-4 ORDINANCE OR RESOLUTION. The district shall comply with all
3-5 applicable requirements of any ordinance or resolution that is
3-6 adopted under Section 54.016 or 54.0165, Water Code, and that
3-7 consents to the creation of the district or to the inclusion of land
3-8 in the district.

3-9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-10 Sec. 7947A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-11 The district may issue, without an election, bonds and other
3-12 obligations secured by:

3-13 (1) revenue other than ad valorem taxes; or
3-14 (2) contract payments described by Section
3-15 7947A.0403.

3-16 (b) The district must hold an election in the manner
3-17 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-18 before the district may impose an ad valorem tax or issue bonds
3-19 payable from ad valorem taxes.

3-20 (c) The district may not issue bonds payable from ad valorem
3-21 taxes to finance a road project unless the issuance is approved by a
3-22 vote of a two-thirds majority of the district voters voting at an
3-23 election held for that purpose.

3-24 Sec. 7947A.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-25 authorized at an election held under Section 7947A.0401, the
3-26 district may impose an operation and maintenance tax on taxable
3-27 property in the district in accordance with Section 49.107, Water
3-28 Code.

3-29 (b) The board shall determine the tax rate. The rate may not
3-30 exceed the rate approved at the election.

3-31 Sec. 7947A.0403. CONTRACT TAXES. (a) In accordance with
3-32 Section 49.108, Water Code, the district may impose a tax other than
3-33 an operation and maintenance tax and use the revenue derived from
3-34 the tax to make payments under a contract after the provisions of
3-35 the contract have been approved by a majority of the district voters
3-36 voting at an election held for that purpose.

3-37 (b) A contract approved by the district voters may contain a
3-38 provision stating that the contract may be modified or amended by
3-39 the board without further voter approval.

3-40 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-41 Sec. 7947A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-42 OBLIGATIONS. The district may issue bonds or other obligations
3-43 payable wholly or partly from ad valorem taxes, impact fees,
3-44 revenue, contract payments, grants, or other district money, or any
3-45 combination of those sources, to pay for any authorized district
3-46 purpose.

3-47 Sec. 7947A.0502. TAXES FOR BONDS. At the time the district
3-48 issues bonds payable wholly or partly from ad valorem taxes, the
3-49 board shall provide for the annual imposition of a continuing
3-50 direct ad valorem tax, without limit as to rate or amount, while all
3-51 or part of the bonds are outstanding as required and in the manner
3-52 provided by Sections 54.601 and 54.602, Water Code.

3-53 Sec. 7947A.0503. BONDS FOR ROAD PROJECTS. At the time of
3-54 issuance, the total principal amount of bonds or other obligations
3-55 issued or incurred to finance road projects and payable from ad
3-56 valorem taxes may not exceed one-fourth of the assessed value of the
3-57 real property in the district.

3-58 SECTION 2. The Liberty Hill Municipal Utility District
3-59 initially includes all the territory contained in the following
3-60 area:

3-61 BEING ALL OF THAT CERTAIN 223.942 ACRE TRACT OR PARCEL OF LAND OUT
3-62 OF THE HENRY FIELDS SURVEY, ABSTRACT NUMBER 233, THE JOHN INGRAM
3-63 SURVEY, ABSTRACT NUMBER 335, AND THE JOSEPH M. GLASSCOCK SURVEY,
3-64 ABSTRACT NUMBER 254, SITUATED IN WILLIAMSON COUNTY, TEXAS, SAID
3-65 TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THE
3-66 REMAINDER OF A CALLED 99.57 ACRE TRACT OF LAND (TRACT NO. 2)
3-67 DESCRIBED IN DOCUMENT NUMBER 199961486 OF THE OFFICIAL PUBLIC
3-68 RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.TX.), AND CONVEYED
3-69 TO JSB HOLDINGS, LTD., IN DOCUMENT NUMBER 2002103000

4-1 (O.P.R.W.C.TX.), ALL OF A CALLED 126.90 ACRE TRACT OF LAND (TRACT
4-2 NO. 1) DESCRIBED IN DOCUMENT NUMBER 199961485 (O.P.R.W.C.TX.) AND
4-3 CONVEYED TO JSB HOLDINGS, LTD., IN SAID DOCUMENT NUMBER 2002103000
4-4 (O.P.R.W.C.TX.), AND ALL OF CALLED 7.957 ACRE TRACT OF LAND
4-5 CONVEYED TO JSB HOLDINGS, LTD., DESCRIBED IN DOCUMENT NUMBER
4-6 2014076250 (O.P.R.W.C.TX.), SAID 223.942 ACRE TRACT OF LAND MORE
4-7 FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
4-8 BEGINNING, at a calculated point, for a southeast corner of said
4-9 99.57 acre tract, being a point on the north boundary line of a
4-10 called 6.829 acre tract of land conveyed to Williamson County,
4-11 Texas described, in Document Number 2014076251 (O.P.R.W.C.TX.),
4-12 being the southwest corner of a called 3.854 acre tract land
4-13 conveyed to Williamson County, Texas, described in Document
4-14 2018029559 (O.P.R.W.C.TX.), for the southernmost southeastern
4-15 corner and the POINT OF BEGINNING of the herein described tract,
4-16 THENCE, with the common boundary line of said 99.57 acre tract, said
4-17 6.829 acre tract, said 7.957 acre tract and the remainder of a
4-18 called 1011.979 acre tract of land conveyed to Williamson County,
4-19 Texas described in Document Number 2008070649 (O.P.R.W.C.TX.), the
4-20 following five (5) courses and distances, numbered 1 through 5,
4-21 1. S87°54'56"W, a distance of 86.03 feet to a calculated
4-22 point at the point of curvature, for a curve to the left,
4-23 2. with said curve to the left, having a radius of 394.91
4-24 feet, an arc length of 273.10 feet, and whose chord bears
4-25 S68°06'15"W, a distance of 267.69 feet to a calculated point,
4-26 3. S48°17'34"W, a distance of 257.84 feet to a calculated
4-27 point,
4-28 4. S69°27'13"W, a distance of 581.45 feet to a calculated
4-29 point, and
4-30 5. S68°34'42"W, a distance of 1,227.75 feet to a calculated
4-31 point, being the southwest corner of said 7.957 acre tract, and
4-32 being an interior corner on the east line of said 1011.979 acre
4-33 tract, for the southwest corner of the herein described tract,
4-34 THENCE, with the common boundary line of said 7.957 acre tract and
4-35 said 1011.979 acre tract, the following two (2) courses and
4-36 distances, numbered 1 and 2,
4-37 1. N20°44'11"W, a distance of 3,174.64 feet to a calculated
4-38 point, and
4-39 2. N09°49'34"E, a distance of 212.61 feet to a calculated
4-40 point, being the northernmost corner of said 7.957 acre tract,
4-41 being an eastern corner of said 1011.979 acre tract and being a
4-42 point on a western boundary line of said 126.90 acre tract,
4-43 THENCE, with the common boundary line of said 126.90 acre tract and
4-44 said 1011.979 acre tract, the following seventeen (17) courses and
4-45 distances, numbered 1 through 17,
4-46 1. N20°44'11"W, a distance of 173.16 feet to a calculated
4-47 point,
4-48 2. N09°26'41"W, a distance of 174.29 feet to a calculated
4-49 point,
4-50 3. N30°49'11"W, a distance of 132.71 feet to a calculated
4-51 point, and to the called centerline of Collier Branch
4-52 4. N43°55'49"E, a distance of 131.59 feet to a calculated
4-53 point,
4-54 5. N17°22'11"W, a distance of 200.92 feet to a calculated
4-55 point,
4-56 6. N32°01'49"E, a distance of 112.41 feet to a calculated
4-57 point,
4-58 7. N75°08'19"E, a distance of 90.33 feet to a calculated
4-59 point,
4-60 8. S19°32'41"E, a distance of 103.93 feet to a calculated
4-61 point,
4-62 9. N87°25'19"E, a distance of 194.49 feet to a calculated
4-63 point,
4-64 10. S06°27'49"W, a distance of 137.28 feet to a calculated
4-65 point,
4-66 11. N79°32'49"E, a distance of 74.00 feet to a calculated
4-67 point,
4-68 12. N09°42'19"E, a distance of 131.77 feet to a calculated
4-69 point,

5-1 13. N46°22'11"W, a distance of 132.18 feet to a calculated
 5-2 point,
 5-3 14. N47°20'11"W, a distance of 106.72 feet to a calculated
 5-4 point,
 5-5 15. N16°44'19"E, a distance of 14.25 feet to a calculated
 5-6 point,
 5-7 16. S78°05'41"E, a distance of 176.98 feet to a calculated
 5-8 point, and
 5-9 17. N31°38'19"E, a distance of 167.87 feet to a calculated
 5-10 point, being the northernmost corner of said 126.90 acre tract,
 5-11 being a northeastern corner of said 1011.979 acre tract, being a
 5-12 point on a southwestern boundary line of a called 10.028 acre tract
 5-13 of land conveyed to Victoria Lynn Honeycutt described in Document
 5-14 Number 2014004238 (O.P.R.W.C.TX.) and being the called centerline
 5-15 of South San Gabriel River, for the northernmost corner of the
 5-16 herein described tract,
 5-17 THENCE, with the common boundary line of said 126.90 acre tract,
 5-18 said 10.028 acre tract, a called 11.158 acre tract of land conveyed
 5-19 to Frank Donahue described in Volume 642, Page 367 of the Deed
 5-20 Records of Williamson County, Texas (D.R.W.C.TX.), and said
 5-21 centerline of said South San Gabriel River, the following two (2)
 5-22 courses and distances, numbered 1 and 2,
 5-23 1. S57°42'41"E, a distance of 454.52 feet to a calculated
 5-24 point, and
 5-25 2. S69°15'11"E, a distance of 89.76 feet to a calculated
 5-26 point, being a northern corner of said 126.90 acre tract, being the
 5-27 southeast corner of said 11.158 acre tract, being a point on the
 5-28 centerline of said South San Gabriel River, being the southwest
 5-29 corner of a called 12.118 acre tract of land conveyed to Frank
 5-30 Donahue described in Volume 642, Page 379 (D.R.W.C.TX.), and being a
 5-31 western corner of a called 27.284 acre tract of land conveyed to
 5-32 Robert B. Reese described in Volume 997, Page 344 of the Official
 5-33 Records of Williamson County, Texas (O.R.W.C.TX.),
 5-34 THENCE, with the common boundary line of said 126.90 acre tract and
 5-35 said 27.284 acre tract, the following four (4) courses and
 5-36 distances, numbered 1 through 4,
 5-37 1. S17°37'11"E, a distance of 172.69 feet to a calculated
 5-38 point,
 5-39 2. S45°19'41"E, a distance of 353.08 feet to a calculated
 5-40 point,
 5-41 3. N85°42'19"E, a distance of 784.80 feet to a calculated
 5-42 point, and
 5-43 4. N82°09'49"E, a distance of 565.55 feet to a calculated
 5-44 point, being a northeastern corner of said 126.90 acre tract, being
 5-45 the southeast corner of said 27.284 acre tract and being the
 5-46 southwest corner of a called 10.00 acre tract of land conveyed to
 5-47 Action Propane, Inc., described in Volume 1227, Page 650
 5-48 (O.R.W.C.TX.),
 5-49 THENCE, with the common boundary line of said 126.90 acre tract and
 5-50 said 10.00 acre tract, N73°24'19"E, a distance of 184.21 feet to a
 5-51 calculated point, being a northeastern corner of said 126.90 acre
 5-52 tract, being a point on the southeast boundary line of said 10.00
 5-53 acre tract and being the northwest corner of Lot 2, Brinson
 5-54 Subdivision, a subdivision recorded in Cabinet DD, Slide 240 of the
 5-55 Plat Records of Williamson County, Texas (P.R.W.C.TX.),
 5-56 THENCE, with the common boundary line of said 126.90 acres and said
 5-57 Lot 2 and County Road 279 (R.O.W. Varies), the following three (3)
 5-58 courses and distances, numbered 1 through 3,
 5-59 1. S16°52'41"E, a distance of 419.42 feet to a calculated
 5-60 point,
 5-61 2. S14°49'41"E, a distance of 269.02 feet to a calculated
 5-62 point, and
 5-63 3. N66°56'19"E, a distance of 518.35 feet to a calculated
 5-64 point, being the northeast corner of said 126.90 acre tract and
 5-65 being a corner on the western right-of-way line of said County Road
 5-66 279, for the northeast corner of the herein described tract,
 5-67 THENCE, with the common boundary line of said 126.90 acre tract,
 5-68 said County Road 279, S02°11'41"E, a distance of 754.59 feet to a
 5-69 calculated point, being the southeast corner of said 126.90 acre

6-1 tract, being also the northeast corner of said 3.854 acre tract and
6-2 being a point on a western right-of-way line of said County Road
6-3 279,
6-4 THENCE, with the common boundary line of said 126.90 acre tract and
6-5 said 3.854 acre tract, S69°03'18"W, a distance of 91.58 feet to a
6-6 calculated point, being a point on a southeastern boundary line of
6-7 said 126.90 acre tract, being the northwest corner of said 3.854
6-8 acre tract and being a northeast corner of said 99.57 acre tract,
6-9 THENCE, with the common boundary line of said 99.57 acre tract and
6-10 said 3.854 acre tract the following, five (5) courses and
6-11 distances, numbered 1 through 5,
6-12 1. S04°18'38"W, a distance of 53.25 feet to a calculated
6-13 point,
6-14 2. S01°24'00"E, a distance of 600.84 feet to a calculated
6-15 point,
6-16 3. S01°27'45"W, a distance of 200.25 feet to a calculated
6-17 point,
6-18 4. S01°24'00"E, a distance of 663.46 feet to a calculated
6-19 point, and
6-20 5. S43°16'20"W, a distance of 60.92 feet to the POINT OF
6-21 BEGINNING and containing 223.942 acres of land.

6-22 SECTION 3. (a) The legal notice of the intention to
6-23 introduce this Act, setting forth the general substance of this
6-24 Act, has been published as provided by law, and the notice and a
6-25 copy of this Act have been furnished to all persons, agencies,
6-26 officials, or entities to which they are required to be furnished
6-27 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-28 Government Code.

6-29 (b) The governor, one of the required recipients, has
6-30 submitted the notice and Act to the Texas Commission on
6-31 Environmental Quality.

6-32 (c) The Texas Commission on Environmental Quality has filed
6-33 its recommendations relating to this Act with the governor, the
6-34 lieutenant governor, and the speaker of the house of
6-35 representatives within the required time.

6-36 (d) All requirements of the constitution and laws of this
6-37 state and the rules and procedures of the legislature with respect
6-38 to the notice, introduction, and passage of this Act are fulfilled
6-39 and accomplished.

6-40 SECTION 4. (a) If this Act does not receive a two-thirds
6-41 vote of all the members elected to each house, Subchapter C, Chapter
6-42 7947A, Special District Local Laws Code, as added by Section 1 of
6-43 this Act, is amended by adding Section 7947A.0306 to read as
6-44 follows:

6-45 Sec. 7947A.0306. NO EMINENT DOMAIN POWER. The district may
6-46 not exercise the power of eminent domain.

6-47 (b) This section is not intended to be an expression of a
6-48 legislative interpretation of the requirements of Section 17(c),
6-49 Article I, Texas Constitution.

6-50 SECTION 5. This Act takes effect immediately if it receives
6-51 a vote of two-thirds of all the members elected to each house, as
6-52 provided by Section 39, Article III, Texas Constitution. If this
6-53 Act does not receive the vote necessary for immediate effect, this
6-54 Act takes effect September 1, 2023.

6-55 * * * * *