

1-1 By: Krusee (Senate Sponsor - Ogden) H.B. No. 3608  
1-2 (In the Senate - Received from the House May 24, 2003;  
1-3 May 24, 2003, read first time and referred to Committee on Natural  
1-4 Resources; May 26, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 May 26, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3608 By: Staples

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation, administration, powers, duties,  
1-11 operation, and financing of the Northeast Williamson County  
1-12 Municipal Utility District.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. DEFINITIONS. In this Act:

1-15 (1) "Board" means the board of directors of the  
1-16 district.

1-17 (2) "Commission" means the Texas Commission on  
1-18 Environmental Quality.

1-19 (3) "District" means the Northeast Williamson County  
1-20 Municipal Utility District.

1-21 SECTION 2. CREATION. (a) A conservation and reclamation  
1-22 district, to be known as the Northeast Williamson County Municipal  
1-23 Utility District, is created in Williamson County, subject to  
1-24 approval:

1-25 (1) at a confirmation election under Section 12 of  
1-26 this Act; and

1-27 (2) by the City of Round Rock, as provided by Section  
1-28 42.042, Local Government Code, and Section 54.016, Water Code.

1-29 (b) The district is a governmental agency and a political  
1-30 subdivision of this state.

1-31 SECTION 3. AUTHORITY FOR CREATION. The district is created  
1-32 under and is essential to accomplish the purposes of Section 59,  
1-33 Article XVI, Texas Constitution.

1-34 SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. (a) The  
1-35 district is created to serve a public use and benefit.

1-36 (b) All of the land and other property included within the  
1-37 boundaries of the district will be benefited by the works and  
1-38 projects that are to be accomplished by the district under powers  
1-39 conferred by Section 59, Article XVI, Texas Constitution.

1-40 SECTION 5. BOUNDARIES. The district includes the territory  
1-41 contained within the following area in Williamson County:

1-42 Being 208.777 acres of land situated in the Robert McNutt  
1-43 Survey, Abstract No. 422, Williamson County, Texas, and being all  
1-44 of a called 15-acre tract and a portion of a called 84.88 acre tract  
1-45 both being described under Document No. 9903832 in the Official  
1-46 Records of Williamson County, Texas (O.R.W.C.T.); a portion of a  
1-47 called 15-acre tract described under Document No. 993830 in the  
1-48 O.R.W.C.T.; all of a called 64.01-acre tract and all of a 0.6-acre  
1-49 tract both being described under Document No. 2000067229 in the  
1-50 O.R.W.C.T.; all of a called 22.0-acre tract described as Tract 3  
1-51 under Document No. 2000067229 in the O.R.W.C.T. and further defined  
1-52 in Volume 648, Page 33 of the Williamson County Deed Records; and  
1-53 all of that called 22.0-acre tract as described in Volume 648, Page  
1-54 447 of the Williamson County Deed Records. Said 208.777 acres being  
1-55 more particularly described as follows with bearings herein are  
1-56 based on the east line of said 84.88 acre tract being South 00°21'00"  
1-57 West;

1-58 BEGINNING at the northwest corner of said 15 acre tract  
1-59 described under Document No. 9903832 and being on the south  
1-60 right-of-way line of CR 109;

1-61 THENCE, South 89°51'30" East, 1581.34 feet, along said south  
1-62 right-of-way line to a point for corner and being the northwest  
1-63 corner of a called 3.0176 acre tract of land as described under

2-1 Document No. 9903832 of the O.R.W.C.T.;  
 2-2 THENCE, South 00°06'43" West, 137.41 feet to a point for  
 2-3 corner of the herein-described tract;  
 2-4 THENCE, North 89°28'10" West, 28.26 feet to a point for corner  
 2-5 of the herein-described tract;  
 2-6 THENCE, South 00°31'50" West, 34.10 feet to a point for corner  
 2-7 of the herein-described tract;  
 2-8 THENCE, South 89°28'10" East, 28.51 feet to a point for corner  
 2-9 of the herein-described tract;  
 2-10 THENCE, South 00°06'43" West, 228.46 feet to a point for  
 2-11 corner of the herein-described tract;  
 2-12 THENCE, North 89°59'47" East, 326.37 feet to a point for  
 2-13 corner of the herein-described tract;  
 2-14 THENCE, North 00°10'01" East, 399.14 feet to a point for  
 2-15 corner of the herein-described tract and being on the  
 2-16 aforementioned south right-of-way line of CR 109;  
 2-17 THENCE, South 89°51'30" East, 150.96 feet along said south  
 2-18 right-of-way line to a point for corner;  
 2-19 THENCE, South 87°35'00" East, 164.00 feet continuing along  
 2-20 said right-of-way line to a point for corner;  
 2-21 THENCE, South 80°43'00" East, 119.43 feet to the northeast  
 2-22 corner of the herein-described tract;  
 2-23 THENCE, South 00°21'00" West, 2341.04 feet to a point for  
 2-24 corner of the herein-described tract and marking the southeast  
 2-25 corner of the aforementioned 84.88 acre tract;  
 2-26 THENCE, South 89°40'30" West, 687.90 feet to a point for  
 2-27 corner of the herein-described tract;  
 2-28 THENCE, South 00°06'00" East, 2328.81 feet to a point for  
 2-29 corner of the herein-described tract and marking the southeast  
 2-30 corner of the aforementioned 64.01 acre tract;  
 2-31 THENCE, South 89°59'37" West, 1778.50 feet to a point for  
 2-32 corner of the herein-described tract located on the east  
 2-33 right-of-way line of CR 110 and marking the southwest corner of said  
 2-34 64.01 acre tract;  
 2-35 THENCE, North 00°02'30" East, 2143.96 feet along the east  
 2-36 right-of-way line of said CR 110 to a point for corner of the  
 2-37 herein-described tract;  
 2-38 THENCE, along the right-of-way line of said CR 110 the  
 2-39 following seven (7) courses and distances:  
 2-40 1) North 03°19'30" West, 100.00 feet to a point for corner;  
 2-41 2) North 14°36'30" West, 86.40 feet to a point for corner;  
 2-42 3) North 14°36'29" West, 13.60 feet to a point for corner;  
 2-43 4) North 30°40'00" West, 100.00 feet to a point for corner;  
 2-44 5) North 43°17'00" West, 100.00 feet to a point for corner;  
 2-45 6) North 48°00'30" West, 119.00 feet to a point for corner;  
 2-46 7) North 43°31'00" West, 24.18 feet to a point for corner and  
 2-47 marking the most westerly corner of the aforementioned 0.6-acre  
 2-48 tract;  
 2-49 THENCE, East, 987.56 feet leaving said east right-of-way line  
 2-50 of CR 110 to a point for corner of the herein-described tract;  
 2-51 THENCE, North 00°16'01" East, 720.17 feet to a point for  
 2-52 corner of the herein-described tract;  
 2-53 THENCE, West, 390.20 feet to a point for corner of the  
 2-54 herein-described tract;  
 2-55 THENCE, North, 397.91 feet to a point for corner of the  
 2-56 herein-described tract and marking the northeast corner of the  
 2-57 aforementioned 15 acre tract as recorded under Document No.  
 2-58 9903830 of the O.R.W.C.T.;  
 2-59 THENCE, West, 210.73 feet to a point for corner of the  
 2-60 herein-described tract and marking the southwest corner of the  
 2-61 aforementioned 15 acre tract as described under Document No.  
 2-62 9903832 of the O.R.W.C.T.;  
 2-63 THENCE, North, 990.59 feet along to the POINT OF BEGINNING  
 2-64 and containing a computed area of 208.777 acres (9,094,308 Square  
 2-65 Feet) of land.  
 2-66 SECTION 6. FINDINGS RELATIVE TO BOUNDARIES. The  
 2-67 legislature finds that the boundaries and field notes of the  
 2-68 district form a closure. If a mistake is made in the field notes or  
 2-69 in copying the field notes in the legislative process, the mistake

3-1 does not affect in any way:

- 3-2 (1) the organization, existence, or validity of the
- 3-3 district;
- 3-4 (2) the right of the district to impose taxes; or
- 3-5 (3) the legality or operation of the district or the
- 3-6 board.

3-7 SECTION 7. GENERAL POWERS. (a) The district has all of the  
3-8 rights, powers, privileges, authority, functions, and duties  
3-9 provided by the general law of this state, including Chapters 30,  
3-10 49, 50, and 54, Water Code, applicable to municipal utility  
3-11 districts created under Section 59, Article XVI, Texas  
3-12 Constitution.

3-13 (b) The rights, powers, privileges, authority, functions,  
3-14 and duties of the district are subject to the continuing right of  
3-15 supervision of the state to be exercised by and through the  
3-16 commission.

3-17 SECTION 8. APPLICABILITY OF OTHER LAW. This Act prevails  
3-18 over any provision of general law that is in conflict or  
3-19 inconsistent with this Act.

3-20 SECTION 9. BOARD OF DIRECTORS. (a) The district is  
3-21 governed by a board of five directors.

3-22 (b) Temporary directors serve until initial directors are  
3-23 elected under Section 12 of this Act.

3-24 (c) Initial directors serve until the election of permanent  
3-25 directors under Section 13 of this Act.

3-26 (d) Permanent directors serve staggered four-year terms.

3-27 (e) Each director must qualify to serve as director in the  
3-28 manner provided by Section 49.055, Water Code.

3-29 SECTION 10. TEMPORARY DIRECTORS. (a) The temporary board  
3-30 consists of:

- 3-31 (1) Bill Gordon;
- 3-32 (2) Mark Scott;
- 3-33 (3) Brian Sharp;
- 3-34 (4) Jesse Whittenton; and
- 3-35 (5) Jack Nelson.

3-36 (b) If a temporary director fails to qualify for office, the  
3-37 temporary directors who have qualified shall appoint a person to  
3-38 fill the vacancy. If at any time there are fewer than three  
3-39 qualified temporary directors, the commission shall appoint the  
3-40 necessary number of persons to fill all vacancies on the board.

3-41 (c) A temporary director shall take the oath of office and  
3-42 execute a bond to qualify for holding office as soon as practicable  
3-43 after the effective date of this Act.

3-44 (d) A temporary director is not required to own land in or be  
3-45 a resident of the district.

3-46 (e) Until initial directors are elected and qualified to  
3-47 hold office, the temporary directors shall exercise all rights,  
3-48 powers, privileges, authority, functions, and duties conferred on  
3-49 the district by general law, including Chapters 49 and 54, Water  
3-50 Code.

3-51 SECTION 11. METHOD OF ELECTING DIRECTORS. Directors shall  
3-52 be elected at large.

3-53 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

3-54 (a) The temporary board shall hold an election to confirm  
3-55 establishment of the district and to elect five initial directors  
3-56 as provided by Section 49.102, Water Code.

3-57 (b) At the confirmation election the board may submit to the  
3-58 voters a proposition to authorize:

- 3-59 (1) the issuance of bonds;
- 3-60 (2) a maintenance tax; or
- 3-61 (3) a tax to make payments under a contract.

3-62 (c) The initial directors elected shall draw lots to  
3-63 determine which two directors shall serve terms lasting until the  
3-64 first regularly scheduled directors' election under Section 13 of  
3-65 this Act and which three shall serve until the second regularly  
3-66 scheduled directors' election.

3-67 (d) Section 41.001(a), Election Code, does not apply to a  
3-68 confirmation and initial directors' election held under this  
3-69 section.

4-1 SECTION 13. ELECTION OF DIRECTORS. (a) On the first  
4-2 Saturday in May of the first even-numbered year after the year in  
4-3 which the district is authorized to be created at a confirmation  
4-4 election, an election shall be held in the district to elect two  
4-5 directors.

4-6 (b) On the first Saturday in May of each subsequent  
4-7 even-numbered year, the appropriate number of directors shall be  
4-8 elected.

4-9 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

4-10 (a) The legal notice of the intention to introduce this Act,  
4-11 setting forth the general substance of this Act, has been published  
4-12 as provided by law, and the notice and a copy of this Act have been  
4-13 furnished to all persons, agencies, officials, or entities to which  
4-14 they are required to be furnished under Section 59, Article XVI,  
4-15 Texas Constitution, and Chapter 313, Government Code.

4-16 (b) The governor has submitted the notice and Act to the  
4-17 commission.

4-18 (c) The commission has filed its recommendations relating  
4-19 to this Act with the governor, lieutenant governor, and speaker of  
4-20 the house of representatives within the required time.

4-21 (d) All requirements of the constitution and laws of this  
4-22 state and the rules and procedures of the legislature with respect  
4-23 to the notice, introduction, and passage of this Act are fulfilled  
4-24 and accomplished.

4-25 SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act  
4-26 takes effect immediately if it receives a vote of two-thirds of all  
4-27 the members elected to each house, as provided by Section 39,  
4-28 Article III, Texas Constitution. If this Act does not receive the  
4-29 vote necessary for immediate effect, this Act takes effect  
4-30 September 1, 2003.

4-31 (b) If the creation of the district is not confirmed at a  
4-32 confirmation election held under Section 12 of this Act or is not  
4-33 approved by the City of Round Rock before September 1, 2007, this  
4-34 Act expires on that date.

4-35 \* \* \* \* \*