

By: Hamilton

H.B. No. 3609

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 functions, operations, and financing of the North Hardin Special
4 Utility District.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. DEFINITION. In this Act:

7 (1) "Board" means the board of directors of the
8 district.

9 (2) "Commission" means the Texas Commission on
10 Environmental Quality.

11 (3) "District" means the North Hardin Special Utility
12 District.

13 SECTION 2. CREATION. (a) A conservation and reclamation
14 district, to be known as the North Hardin Special Utility District,
15 is created in Hardin County, subject to approval at a confirmation
16 election under Section 12 of this Act.

17 (b) The district is a governmental agency and a political
18 subdivision of this state.

19 SECTION 3. AUTHORITY FOR CREATION. The district is created
20 under and is essential to accomplish the purposes of Section 59,
21 Article XVI, Texas Constitution.

22 SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. (a) The
23 district is created to serve a public use and benefit.

24 (b) All of the land and other property included within the

1 boundaries of the district will be benefited by the works and
2 projects that are to be accomplished by the district under powers
3 conferred by Section 59, Article XVI, Texas Constitution.

4 SECTION 5. BOUNDARIES. (a) The boundaries of the district
5 are as follows:

6 FOR THE PLACE OF BEGINNING, the junction of a point one-half
7 mile east of longitude 94 degrees 10 minutes and Gulf States power
8 transmission line;

9 THENCE running westerly along the Gulf States power line to
10 the junction of Gulf States power line and Atchison, Topeka and
11 Sante Fe Railway;

12 THENCE running northwesterly along the Atchison, Topeka and
13 Sante Fe Railway to west longitude 94 degrees 15 minutes;

14 THENCE running north following latitude 94 degree 15 minutes
15 to a point 500 feet north of Highway 418 (called the old Kountze
16 Highway);

17 THENCE along a 500 foot corridor north of Highway 418 to 500
18 feet west of the said county road (called the old Kountze Highway)
19 that intersects Highway 418;

20 THENCE along a 500 foot corridor west of county road running
21 in a northeasterly direction that intersects Highway 92;

22 THENCE along the line one-half mile west of Highway 92 to the
23 intersection with the Hardin/Tyler County line;

24 THENCE running easterly to the junction of pipeline and Tyler
25 County line;

26 THENCE running southeasterly along the said pipeline to a
27 junction of latitude 30 degrees 25 minutes;

1 THENCE running west along latitude 30 degrees 25 minutes to a
2 point one-half east of longitude 94 degrees 10 minutes;

3 THENCE running south parallel one-half mile east to longitude
4 94 degrees 10 minutes to a junction one-half mile east of longitude
5 94 degrees 10 minutes to the PLACE OF BEGINNING;

6 Save and Excepted from this area of servitude are three areas
7 currently served by CCN 12243 assigned to Larry Brewer that lie
8 within this boundary.

9 (b) The boundaries of the district may be adjusted before a
10 confirmation election is held under Section 12 of this Act.

11 SECTION 6. FINDINGS RELATING TO BOUNDARIES. The
12 legislature finds that the boundaries and field notes of the
13 district form a closure. If a mistake is made in the field notes or
14 in copying the field notes in the legislative process, the mistake
15 does not affect in any way:

16 (1) the organization, existence, or validity of the
17 district;

18 (2) the right of the district to issue any type of
19 bonds or refunding bonds for the purposes for which the district is
20 created or to pay the principal of and interest on the bonds; or

21 (3) the legality or operation of the district or the
22 board.

23 SECTION 7. GENERAL POWERS. The district has all of the
24 rights, powers, privileges, authority, functions, and duties
25 provided by the general laws of this state, including Chapter 65,
26 Water Code, applicable to special utility districts created under
27 Section 59, Article XVI, Texas Constitution.

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

4 SECTION 9. BOARD OF DIRECTORS. (a) The district is
5 governed by a board of seven directors.

6 (b) Temporary directors serve until initial directors are
7 elected under Section 12 of this Act.

8 (c) Initial directors serve until permanent directors are
9 elected under Section 13 of this Act.

10 (d) Permanent directors serve staggered three-year terms.

11 (e) Each director must qualify to serve as director in the
12 manner provided by Section 49.055, Water Code.

13 SECTION 10. TEMPORARY DIRECTORS. (a) The temporary board
14 of directors consists of:

- 15 (1) Sam Karr, 6968 FM 418, Silsbee, Texas 77656;
- 16 (2) Larry Stewart, 6337 FM 1122, Silsbee, Texas 77656;
- 17 (3) Rachel Howell, 1629 Neyland Road, Silsbee, Texas
18 77656;
- 19 (4) Tausha Harper, P.O. Box 1641, Silsbee, Texas
20 77656;
- 21 (5) David Stout, 6033 Country Club Road, Silsbee,
22 Texas 77656;
- 23 (6) Kevin Rister, 5321 Dubury Road, Silsbee, Texas
24 77656; and
- 25 (7) Kenneth Baldwin, P.O. Box 1094, Silsbee, Texas
26 77656.

27 (b) If a temporary director fails to qualify for office, the

1 temporary directors who have qualified shall appoint a person to
2 fill the vacancy. If at any time there are fewer than four
3 qualified temporary directors, the commission shall appoint the
4 necessary number of persons to fill all vacancies on the board.

5 SECTION 11. METHOD OF ELECTING DIRECTORS. The directors
6 shall be elected from the district at large. The permanent
7 directors may assign a position number to each director's office,
8 in which case directors shall thereafter be elected by position and
9 not at large.

10 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

11 (a) The temporary board shall call and hold an election to confirm
12 establishment of the district and to elect initial directors as
13 provided by Chapter 49, Water Code.

14 (b) Of the initial directors elected:

15 (1) the three directors who receive the three highest
16 numbers of votes shall serve three-year terms;

17 (2) the two directors who receive the fourth and fifth
18 highest numbers of votes shall serve two-year terms; and

19 (3) the two directors who receive the sixth and
20 seventh highest numbers of votes shall serve one-year terms.

21 (c) In the event of a tie, the directors receiving the same
22 number of votes shall draw lots for the office or term.

23 SECTION 13. ELECTION OF DIRECTORS. Beginning in the first
24 even-numbered year following the confirmation and initial
25 directors election, an election shall be held each year on the first
26 Saturday in May to elect the appropriate number of directors to the
27 board.

1 SECTION 14. ADDITIONAL POWERS. (a) The district may enter
2 into contracts for:

3 (1) the purchase or sale of raw and treated water;

4 (2) the transportation, treatment, and disposal of the
5 district's domestic, industrial, or communal wastes;

6 (3) the transportation, treatment, and disposal of
7 domestic, industrial, or communal wastes of others as provided by
8 Chapter 30, Water Code;

9 (4) the purchase, lease, use, management, control, or
10 operation of water treatment or distribution facilities or systems
11 or sewer collection and treatment facilities or systems, all or
12 part of which are owned by other political subdivisions; and

13 (5) planning, surveying, investigating, or preparing
14 reports of any kind.

15 (b) The district may acquire, develop, or use underground or
16 surface water rights.

17 SECTION 15. BONDS. The district shall issue bonds to
18 provide for all improvements and maintenance necessary to achieve
19 the purposes of Section 59, Article XVI, Texas Constitution. The
20 bonds shall be paid solely through revenues collected for the
21 repayment of bonds as provided by Chapter 65, Water Code.

22 SECTION 16. DISTRICT FACILITIES. (a) The district may
23 establish standard specifications for facilities that are designed
24 or constructed to provide:

25 (1) storage, treatment, or transportation of water for
26 domestic, municipal, or industrial purposes;

27 (2) collection, treatment, or disposal of sewage; or

1 (3) disposal of solid waste.

2 (b) The board shall hold a public hearing on the adoption of
3 standard specifications for facilities of the district. Not later
4 than the 10th day before the date set for the hearing, the board
5 shall:

6 (1) give notice of the hearing to the commission and
7 the Texas Department of Health; and

8 (2) publish notice of the hearing in a newspaper with
9 general circulation in the district.

10 (c) An appeal of an order adopting standard specifications
11 may be made to the district court of Hardin County. The substantial
12 evidence rule applies.

13 (d) The district may seek injunctive relief against the
14 construction of a facility or an addition to an existing facility
15 that is not in compliance with the standard specifications. The
16 district may seek injunctive relief against a facility whose
17 operations are not in compliance with the standard specifications.

18 (e) The district shall file the standard specifications
19 with the commission.

20 (f) Specifications adopted under this section do not apply
21 within the boundaries or extraterritorial jurisdiction of a
22 municipality unless the governing body of the municipality by
23 resolution gives its approval.

24 SECTION 17. CONSTRUCTION AND ACQUISITION OF SYSTEMS. (a)
25 The district may acquire an existing water system, sewer system, or
26 water and sewer system, regardless of whether the system serves
27 territory inside or outside the district's boundaries.

1 (b) The district may improve and extend an acquired system
2 or may construct a water system, sewer system, or a water and sewer
3 system.

4 (c) Construction contracts are governed by the competitive
5 bidding requirement provided by Section 49.273, Water Code, but
6 contracts for the acquisition of existing water or sewer facilities
7 may be made on terms agreed on by the parties.

8 SECTION 18. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

15 (b) The governor has submitted the notice and Act to the
16 commission.

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

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

24 SECTION 19. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
25 takes effect September 1, 2003.

26 (b) If the creation of the district is not confirmed at a
27 confirmation election held under Section 12 of this Act before

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1 September 1, 2005, this Act expires on that date.