

1-1 By: Williams S.B. No. 745
1-2 (In the Senate - Filed February 27, 2003; March 3, 2003,
1-3 read first time and referred to Committee on Natural Resources;
1-4 April 7, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 7, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 745 By: Jackson

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 East Montgomery County Municipal
1-12 Utility District No. 4.

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) "District" means the East Montgomery County
1-18 Municipal Utility District No. 4.

1-19 SECTION 2. CREATION. (a) A municipal utility district, to
1-20 be known as the East Montgomery County Municipal Utility District
1-21 No. 4, is created in Montgomery County, subject to approval at a
1-22 confirmation election under Section 9 of this Act.

1-23 (b) The district is a governmental agency and a political
1-24 subdivision of this state.

1-25 SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-26 (a) The district is created to serve a public use and benefit.

1-27 (b) The district is created under and is essential to
1-28 accomplish the purposes of Section 59, Article XVI, Texas
1-29 Constitution.

1-30 (c) All of the land and other property included within the
1-31 boundaries of the district will be benefited by the works and
1-32 projects that are to be accomplished by the district under powers
1-33 conferred by Section 59, Article XVI, Texas Constitution.

1-34 SECTION 4. BOUNDARIES. The boundaries of the district are
1-35 as follows:

1-36 A tract or parcel of land containing 610 acres, more or less, of
1-37 land out of the William S. Taylor Survey, A-552, the Henry A. Peters
1-38 Survey, A-434, the James Moffett Survey, A-382, the Thomas Ives
1-39 Survey, A-286, and the Pryor Bryan Survey, A-76, being all of the
1-40 called 2114.195 acres described in Correction Deed dated February
1-41 3, 1972, recorded in Volume 767 at Page 891 of the Montgomery County
1-42 Deed Records (MCDR), all of a called 247.94 acres described in Deed
1-43 dated March 19, 1973, recorded in Volume 811 at Page 714, MCDR, all
1-44 of a called 338.4582 acres described in the Deed dated June 18, 1971
1-45 recorded in Volume 740, Page 370, MCDR, all of a called 35.739 acres
1-46 described in Deed dated June 18, 1971, recorded in Volume 740 at
1-47 Page 364, MCDR, and all of a called 58.3106 acres and a called
1-48 9.9854 acres described in the Special Warranty Deed dated February
1-49 1, 2000, recorded under County Clerk's File Number (CCF No.)
1-50 2000-010182, of the Montgomery County Real Property Records
1-51 (MCRPR); SAVE AND EXCEPT the following lands: all of a called
1-52 420.000 acres described in Deed recorded under CCF No. 9770118,
1-53 MCRPR, all of a called 70.250 acres described in Correction Deed
1-54 recorded under CCF No. 9782449, all of a called 971.824 acres
1-55 described in Correction Deed recorded under CCF No. 9893308, MCRPR,
1-56 all of a called 712.571 acres described in deed recorded under CCF
1-57 9982074, MCRPR, and all of a called 20.000 acres described in Deed
1-58 recorded under CCF No. 2002-117268, MCRPR, and containing within
1-59 these calls 610 acres of land.

1-60 SECTION 5. FINDINGS RELATING TO BOUNDARIES. The
1-61 legislature finds that the boundaries and field notes of the
1-62 district form a closure. If a mistake is made in the field notes or
1-63 in copying the field notes in the legislative process, the mistake

2-1 does not affect in any way:

2-2 (1) the organization, existence, or validity of the
2-3 district;

2-4 (2) the right of the district to impose taxes; or

2-5 (3) the legality or operation of the district or the
2-6 board.

2-7 SECTION 6. APPLICABILITY OF OTHER LAW. This Act prevails
2-8 over any provision of general law that is in conflict or
2-9 inconsistent with this Act.

2-10 SECTION 7. BOARD OF DIRECTORS. (a) The district is
2-11 governed by a board of five directors.

2-12 (b) Temporary directors serve until directors are elected
2-13 under Section 9 of this Act.

2-14 (c) Directors serve terms of office as provided by Section
2-15 49.103, Water Code.

2-16 (d) Each director must qualify to serve as director in the
2-17 manner provided by Section 49.055, Water Code.

2-18 (e) A director serves until the director's successor has
2-19 qualified.

2-20 SECTION 8. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or
2-21 after the effective date of this Act, a person who owns land
2-22 included in the district may petition the Texas Commission on
2-23 Environmental Quality to appoint the five temporary directors
2-24 listed in the petition. The commission shall appoint the directors
2-25 listed in the petition. If the commission receives more than one
2-26 petition under this subsection, the commission shall appoint the
2-27 directors listed in the first petition the commission receives.

2-28 (b) A person appointed to be a temporary director shall take
2-29 the oath of office as soon as practicable.

2-30 (c) If an appointee of the Texas Commission on Environmental
2-31 Quality fails to qualify or if a vacancy occurs in the office of
2-32 temporary director, the commission shall appoint an individual to
2-33 fill the vacancy.

2-34 (d) As soon as all temporary directors have qualified, the
2-35 directors shall meet and elect officers from among their
2-36 membership.

2-37 SECTION 9. CONFIRMATION AND DIRECTORS' ELECTION. (a) The
2-38 temporary board shall call and hold an election to confirm
2-39 establishment of the district and to elect directors under Section
2-40 49.102, Water Code.

2-41 (b) Section 41.001(a), Election Code, does not apply to a
2-42 confirmation and directors' election held as provided by this
2-43 section.

2-44 SECTION 10. ELECTION OF DIRECTORS. (a) On the uniform
2-45 election date in May of the first even-numbered year after the year
2-46 in which the district is authorized to be created at a confirmation
2-47 election, an election shall be held in the district for the election
2-48 of the appropriate number of directors to replace the directors
2-49 serving shorter terms from the confirmation election as provided by
2-50 Section 49.102(h), Water Code.

2-51 (b) On the uniform election date in May of each subsequent
2-52 even-numbered year following the election, the appropriate number
2-53 of directors shall be elected.

2-54 (c) The board of directors by order may postpone the first
2-55 election under Subsection (a) of this section following the
2-56 confirmation and directors' election held in accordance with the
2-57 provisions of Section 9 of this Act if:

2-58 (1) the election will occur within 60 days after the
2-59 date on which the confirmation election is held; or

2-60 (2) the board determines that there is not sufficient
2-61 time to comply with the requirements of law and to order the
2-62 election.

2-63 SECTION 11. GENERAL POWERS. The district has all of the
2-64 rights, powers, privileges, authority, functions, and duties
2-65 provided by the general law of this state, including Chapter 54,
2-66 Water Code, applicable to municipal utility districts created under
2-67 Section 59, Article XVI, Texas Constitution.

2-68 SECTION 12. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR
2-69 RESOLUTIONS. Subject to the limitations of Section 54.016, Water

3-1 Code, the district shall comply with all applicable requirements of
3-2 any ordinance or resolution adopted by a municipality in the
3-3 corporate limits or extraterritorial jurisdiction of which the
3-4 district is located, including an ordinance or resolution adopted
3-5 before the effective date of this Act, that consents to the creation
3-6 of the district or to the inclusion of lands within the district.

3-7 SECTION 13. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

3-8 (a) The legal notice of the intention to introduce this Act,
3-9 setting forth the general substance of this Act, has been published
3-10 as provided by law, and the notice and a copy of this Act have been
3-11 furnished to all persons, agencies, officials, or entities to which
3-12 they are required to be furnished under Section 59, Article XVI,
3-13 Texas Constitution, and Chapter 313, Government Code. The
3-14 governor, one of the required recipients, has submitted the notice
3-15 and Act to the Texas Commission on Environmental Quality.

3-16 (b) The Texas Commission on Environmental Quality has filed
3-17 its recommendations relating to this Act with the governor,
3-18 lieutenant governor, and speaker of the house of representatives
3-19 within the required time.

3-20 (c) All requirements of the constitution and laws of this
3-21 state and the rules and procedures of the legislature with respect
3-22 to the notice, introduction, and passage of this Act are fulfilled
3-23 and accomplished.

3-24 SECTION 14. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
3-25 takes effect September 1, 2003.

3-26 (b) If the creation of the district is not confirmed at a
3-27 confirmation election held under Section 9 of this Act before
3-28 September 1, 2008, this Act expires on that date.

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