

1-1 By: Jackson S.B. No. 767
1-2 (In the Senate - Filed February 28, 2003; March 5, 2003,
1-3 read first time and referred to Committee on Natural Resources;
1-4 May 2, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; May 2, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 767 By: Jackson

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

1-10 relating to the creation of the Harris County Road Improvement
1-11 District No. 1; providing authority to impose a tax and issue bonds.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. CREATION OF DISTRICT. (a) Harris County Road
1-14 Improvement District No. 1 is created as a special district under
1-15 Section 52, Article III, and Section 59, Article XVI, Texas
1-16 Constitution.

1-17 (b) The board by resolution may change the district's name.

1-18 SECTION 2. DECLARATION OF INTENT. (a) The creation of the
1-19 district is necessary to promote, develop, encourage, and maintain
1-20 transportation, safety, employment, commerce, housing, tourism,
1-21 recreation, the arts, entertainment, economic development, and the
1-22 public welfare in the area of the district.

1-23 (b) The creation of the district is essential to accomplish
1-24 the purposes of Sections 52 and 52-a, Article III, and Section 59,
1-25 Article XVI, Texas Constitution, and other public purposes stated
1-26 in this Act.

1-27 SECTION 3. DEFINITIONS. In this Act:

1-28 (1) "Board" means the board of directors of the
1-29 district.

1-30 (2) "District" means Harris County Road Improvement
1-31 District No. 1.

1-32 SECTION 4. BOUNDARIES. The district includes all the
1-33 territory contained in the following described area:

1-34 ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 180.2467 ACRES
1-35 (7,851,544 SQUARE FEET) SITUATED IN THE WILLIAM K. SMITH SURVEY,
1-36 ABSTRACT NO. 735, HARRIS COUNTY, TEXAS, AND BEING A PORTION OF LOTS
1-37 3 THROUGH 14 AND LOTS 18 THROUGH 29, OF RHODES AND SMITH
1-38 SUBDIVISION, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE
1-39 MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 4 OF THE MAP RECORDS
1-40 OF HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY
1-41 METES AND BOUNDS AS FOLLOWS: (BEARINGS BASED ON TEXAS STATE PLANE
1-42 COORDINATE SYSTEM, SOUTH CENTRAL ZONE)

1-43 BEGINNING AT A 5/8 INCH CAPPED IRON ROD SET MARKING THE INTERSECTION
1-44 OF THE NORTHEAST RIGHT-OF-WAY LINE OF BEAMER ROAD (100 FEET WIDE)
1-45 WITH THE NORTHWEST RIGHT-OF-WAY LINE OF DIXIE FARM ROAD (R.O.W.
1-46 VARIES);

1-47 THENCE NORTH 48 DEGREES 32 MINUTES 30 SECONDS WEST ALONG THE
1-48 NORTHEAST RIGHT-OF-WAY LINE OF SAID BEAMER ROAD, A DISTANCE OF
1-49 2004.88 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR THE MOST WESTERLY
1-50 CORNER OF THE HEREIN DESCRIBED TRACT AND THE SOUTH CORNER OF SAN
1-51 JACINTO COLLEGE SOUTH CAMPUS, SECTION 1, ACCORDING TO THE MAP OR
1-52 PLAT THEREOF RECORDED UNDER FILM CODE NO. 366077 OF THE MAP RECORDS
1-53 OF HARRIS COUNTY, TEXAS, FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS
1-54 NORTH 34 DEGREES 11 MINUTES 37 SECONDS EAST, 0.62 FEET;

1-55 THENCE NORTH 41 DEGREES 26 MINUTES 13 SECONDS EAST IN PART WITH THE
1-56 SOUTHEAST LINE OF SAID SAN JACINTO COLLEGE SOUTH CAMPUS, SECTION 1,
1-57 AT A DISTANCE OF 2549.33 FEET PASS THE NORTHEAST CORNER OF SAID SAN
1-58 JACINTO COLLEGE SOUTH CAMPUS, SECTION 1, IN ALL A TOTAL DISTANCE OF
1-59 3658.09 FEET, (CALLED 3656.93 FEET) TO A 5/8 INCH CAPPED IRON ROD
1-60 SET FOR THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, AND
1-61 BEING IN THE SOUTH LINE OF SCARSDALE SUBDIVISION SECTION THREE (3)
1-62 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 188, PAGE 78
1-63 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AND BEING ON THE NORTH

2-1 LINE OF WILLIAM K. SMITH SURVEY, A-735 AND THE SOUTH LINE OF A.
 2-2 WHITLOCK SURVEY A-795;
 2-3 THENCE NORTH 86 DEGREES 37 MINUTES 52 SECONDS EAST ALONG THE SOUTH
 2-4 LINE OF SAID SCARSDALE, SECTION 3, THE NORTH LINE OF THE HEREIN
 2-5 DESCRIBED TRACT AND THE COMMON LINE OF SAID WHITLOCK ABSTRACT AND
 2-6 SMITH ABSTRACT, A DISTANCE OF 326.15 FEET, (CALLED 326.77 FEET) TO A
 2-7 5/8 INCH IRON ROD FOUND FOR THE EASTERLY NORTHEAST CORNER OF THE
 2-8 HEREIN DESCRIBED TRACT AND BEING THE COMMON CORNER OF LOT 18 AND LOT
 2-9 17 OF SAID RHODES AND SMITH SUBDIVISION;
 2-10 THENCE SOUTH 48 DEGREES 31 MINUTES 43 SECONDS EAST ALONG THE COMMON
 2-11 LINE OF SAID LOTS 18 AND 17 AND THE COMMON LINES OF LOTS 14 AND 15, 2
 2-12 AND 3, A DISTANCE OF 1775.68 FEET TO A 5/8 INCH CAPPED IRON ROD SET
 2-13 MARKING THE EAST CORNER OF THE HEREIN DESCRIBED TRACT IN THE
 2-14 NORTHWEST RIGHT-OF-WAY LINE OF SAID DIXIE FARM ROAD, FROM WHICH A PK
 2-15 NAIL FOUND IN FENCE POST BEARS SOUTH 72 DEGREES 03 MINUTES 08
 2-16 SECONDS WEST, 3.31 FEET;
 2-17 THENCE ALONG THE NORTHWEST LINE OF SAID DIXIE FARM ROAD AND THE
 2-18 SOUTHEAST LINE OF THE HEREIN DESCRIBED TRACT WITH THE FOLLOWING
 2-19 COURSES AND DISTANCES:
 2-20 SOUTH 41 DEGREES 26 MINUTES 50 SECONDS WEST A DISTANCE OF 23.97 FEET
 2-21 TO A 5/8 INCH IRON ROD FOUND FOR THE BEGINNING OF A CURVE TO THE
 2-22 LEFT;
 2-23 THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING
 2-24 A RADIUS OF 2110.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 58 MINUTES
 2-25 21 SECONDS, AN ARC LENGTH OF 146.29 FEET, HAVING A CHORD BEARING AND
 2-26 DISTANCE OF SOUTH 39 DEGREES 28 MINUTES 52 SECONDS WEST, 146.26 FEET
 2-27 TO A 5/8 INCH CAPPED IRON ROD SET FOR THE END OF SAID CURVE;
 2-28 SOUTH 37 DEGREES 29 MINUTES 42 SECONDS WEST A DISTANCE OF 553.09
 2-29 FEET TO AN "X" CUT IN CONCRETE FOUND FOR THE BEGINNING OF A CURVE TO
 2-30 THE RIGHT;
 2-31 THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT
 2-32 HAVING A RADIUS OF 1890.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 54
 2-33 MINUTES 17 SECONDS, AN ARC LENGTH OF 128.80 FEET, HAVING A CHORD
 2-34 BEARING AND DISTANCE OF SOUTH 39 DEGREES 27 MINUTES 06 SECONDS WEST,
 2-35 128.77 FEET TO A POINT MARKING THE END OF SAID CURVE, FROM WHICH A
 2-36 5/8 INCH IRON ROD FOUND BEARS SOUTH 58 DEGREES 14 MINUTES 34 SECONDS
 2-37 EAST 0.37 FEET;
 2-38 SOUTH 41 DEGREES 23 MINUTES 58 SECONDS WEST A DISTANCE OF 804.93
 2-39 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE BEGINNING OF A CURVE TO THE
 2-40 RIGHT;
 2-41 THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE RIGHT
 2-42 HAVING A RADIUS OF 1890.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 01
 2-43 MINUTES 59 SECONDS, AN ARC LENGTH OF 133.04 FEET, HAVING A CHORD
 2-44 BEARING AND DISTANCE OF SOUTH 43 DEGREES 25 MINUTES 11 SECONDS WEST,
 2-45 133.01 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE END OF SAID CURVE;
 2-46 SOUTH 45 DEGREES 26 MINUTES 00 SECONDS WEST, A DISTANCE OF 570.08
 2-47 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE LEFT, FROM WHICH
 2-48 A 5/8 INCH IRON ROD FOUND BEARS NORTH 53 DEGREES 42 MINUTES 32
 2-49 SECONDS EAST, 0.38 FEET;
 2-50 THENCE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE TO THE LEFT HAVING
 2-51 A RADIUS OF 2110.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 57 MINUTES
 2-52 55 SECONDS, AN ARC LENGTH OF 146.03 FEET, HAVING A CHORD BEARING AND
 2-53 DISTANCE OF SOUTH 43 DEGREES 26 MINUTES 59 SECONDS WEST, 146.00 FEET
 2-54 TO A 5/8 INCH IRON ROD FOUND FOR THE END OF SAID CURVE;
 2-55 THENCE SOUTH 41 DEGREES 28 MINUTES 06 SECONDS WEST A DISTANCE OF
 2-56 1384.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 180.2467
 2-57 ACRES (7,851,544 SQUARE FEET) OF LAND.
 2-58 THE ABOVE DESCRIBED LEGAL DESCRIPTION OF 180.2467 ACRES CONTAINS
 2-59 4.4627 ACRES (194,395 SQUARE FEET) WITHIN THE 50 FOOT ROAD
 2-60 RIGHT-OF-WAY AND 11.8051 ACRES (514,232 SQUARE FEET) WITHIN THE
 2-61 LIMITS OF THE PIPELINE EASEMENTS SHOWN HEREON.
 2-62 ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 35.7561 ACRES
 2-63 (1,557,535 SQUARE FEET) SITUATED IN THE WILLIAM K. SMITH SURVEY,
 2-64 ABSTRACT NO. 735, HARRIS COUNTY, TEXAS, AND BEING A PORTION OF LOTS
 2-65 20 THROUGH 27 OF RHODES AND SMITH SUBDIVISION, AN ADDITION IN HARRIS
 2-66 COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN
 2-67 VOLUME 1, PAGE 4 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, AND
 2-68 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
 2-69 (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH

3-1 CENTRAL ZONE)
3-2 COMMENCING AT A 5/8 INCH CAPPED IRON ROD SET MARKING THE
3-3 INTERSECTION OF THE NORTHEAST RIGHT-OF-WAY LINE OF BEAMER ROAD (100
3-4 FEET WIDE) WITH THE NORTHWEST RIGHT-OF-WAY LINE OF DIXIE FARM ROAD
3-5 (R.O.W. VARIES);
3-6 THENCE NORTH 48 DEGREES 32 MINUTES 30 SECONDS WEST ALONG THE
3-7 NORTHEAST RIGHT-OF-WAY LINE OF SAID BEAMER ROAD, A DISTANCE OF
3-8 1266.98 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR THE MOST
3-9 SOUTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING ON THE
3-10 NORTHWESTERLY LINE OF A 50 FOOT WIDE UN-NAMED ROAD RIGHT-OF-WAY AS
3-11 SHOWN ON SAID PLAT OF RHODES AND SMITH SUBDIVISION, RECORDED IN
3-12 VOLUME 1, PAGE 4 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS
3-13 THENCE NORTH 48 DEGREES 32 MINUTES 30 SECONDS WEST CONTINUING ALONG
3-14 THE NORTHEAST RIGHT-OF-WAY LINE OF SAID BEAMER ROAD, A DISTANCE OF
3-15 737.98 FEET TO A 5/8 INCH CAPPED IRON ROD FOUND FOR THE MOST
3-16 WESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING THE SOUTH
3-17 CORNER OF SAN JACINTO COLLEGE SOUTH CAMPUS, SECTION 1, ACCORDING TO
3-18 THE MAP OR PLAT THEREOF RECORDED UNDER FILM CODE NO. 366077 OF THE
3-19 MAP RECORDS OF HARRIS COUNTY, TEXAS, FROM WHICH A 1/2 INCH IRON ROD
3-20 FOUND BEARS NORTH 34 DEGREES 11 MINUTES 37 SECONDS EAST, 0.62 FEET;
3-21 THENCE NORTH 41 DEGREES 26 MINUTES 13 SECONDS EAST WITH THE
3-22 SOUTHEAST LINE OF SAID SAN JACINTO COLLEGE SOUTH CAMPUS, SECTION 1,
3-23 AT A DISTANCE OF 2024.51 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR
3-24 THE MOST NORTHERLY CORNER OF THE HEREIN DESCRIBED TRACT, AND BEING
3-25 IN THE SOUTHERLY LINE OF A 30 FOOT WIDE GATHERING LINE EASEMENT (NOT
3-26 RECORDED);
3-27 THENCE SOUTH 62 DEGREES 02 MINUTES 16 SECONDS EAST ALONG THE
3-28 SOUTHERLY LINE OF SAID 30 FOOT WIDE GATHERING LINE EASEMENT (NOT
3-29 RECORDED) A DISTANCE OF 325.02 FEET TO A 5/8 INCH IRON CAPPED IRON
3-30 ROD SET FOR AN ANGLE POINT IN SAID LINE;
3-31 THENCE SOUTH 60 DEGREES 20 MINUTES 43 SECONDS EAST CONTINUING ALONG
3-32 THE SOUTHERLY LINE OF SAID 30 FOOT WIDE GATHERING LINE EASEMENT (NOT
3-33 RECORDED) A DISTANCE OF 297.44 FEET TO A 5/8 INCH CAPPED IRON ROD
3-34 SET FOR AN ANGLE POINT IN SAID LINE;
3-35 THENCE SOUTH 58 DEGREES 45 MINUTES 28 SECONDS EAST CONTINUING ALONG
3-36 THE SOUTHERLY LINE OF SAID 30 FOOT WIDE GATHERING LINE EASEMENT (NOT
3-37 RECORDED) A DISTANCE OF 134.04 FEET TO A 5/8 INCH CAPPED IRON ROD
3-38 SET FOR THE MOST EASTERLY CORNER OF THE HEREIN DESCRIBED TRACT ALSO
3-39 BEING IN THE NORTHWESTERLY LINE OF SAID 50 FOOT WIDE UN-NAMED ROAD
3-40 RIGHT-OF-WAY AS SHOWN ON SAID PLAT OF RHODES AND SMITH SUBDIVISION,
3-41 RECORDED IN VOLUME 1, PAGE 4 OF THE MAP RECORDS OF HARRIS COUNTY,
3-42 TEXAS
3-43 THENCE SOUTH 41 DEGREES 28 MINUTES 06 SECONDS WEST ALONG THE
3-44 NORTHWESTERLY LINE OF SAID 50 FOOT WIDE UN-NAMED ROAD RIGHT-OF-WAY
3-45 AS SHOWN ON SAID PLAT OF RHODES AND SMITH SUBDIVISION, RECORDED IN
3-46 VOLUME 1, PAGE 4 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, A
3-47 DISTANCE OF 2184.78 FEET TO THE POINT OF BEGINNING AND CONTAINING
3-48 35.7561 ACRES (1,557,535 SQUARE FEET) OF LAND.
3-49 SECTION 5. FINDINGS RELATING TO BOUNDARIES. The boundaries
3-50 and field notes of the district form a closure. A mistake in the
3-51 field notes or in copying the field notes in the legislative process
3-52 does not in any way affect the district's:
3-53 (1) organization, existence, or validity;
3-54 (2) right to issue any type of bond for the purposes
3-55 for which the district is created or to pay the principal of and
3-56 interest on a bond;
3-57 (3) right to impose or collect an assessment or tax; or
3-58 (4) legality or operation.
3-59 SECTION 6. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.
3-60 (a) The district is created to serve a public use and benefit.
3-61 (b) All land and other property included in the district
3-62 will benefit from the improvements and services to be provided by
3-63 the district under powers conferred by Sections 52 and 52-a,
3-64 Article III, and Section 59, Article XVI, Texas Constitution, and
3-65 other powers granted under this Act.
3-66 (c) The creation of the district is in the public interest
3-67 and is essential to:
3-68 (1) further the public purposes of the development and
3-69 diversification of the economy of the state;

4-1 (2) eliminate unemployment and underemployment; and
4-2 (3) develop or expand transportation and commerce.

4-3 (d) The present and prospective traffic congestion in the
4-4 district and the safety of pedestrians and the limited availability
4-5 of funds require the promotion and development of public
4-6 transportation and pedestrian facilities and systems, and the
4-7 district will serve the public purpose of securing expanded and
4-8 improved transportation and pedestrian facilities and systems.

4-9 (e) The district will:

4-10 (1) promote the health, safety, and general welfare of
4-11 residents, employers, employees, visitors, and consumers in the
4-12 district and of the public;

4-13 (2) provide needed funding to preserve, maintain, and
4-14 enhance the economic health and vitality of the district as a
4-15 community; and

4-16 (3) promote the health, safety, welfare, and enjoyment
4-17 of the public by providing pedestrian ways and by landscaping and
4-18 developing certain areas in the district, which are necessary for
4-19 the restoration, preservation, and enhancement of scenic beauty.

4-20 (f) Pedestrian ways along or across a street, whether at
4-21 grade or above or below the surface, and street lighting, street
4-22 landscaping, and street art objects are parts of and necessary
4-23 components of a street and are considered to be a street or road
4-24 improvement.

4-25 (g) The district will not act as the agent or
4-26 instrumentality of any private interest even though the district
4-27 will benefit many private interests as well as the public.

4-28 SECTION 7. APPLICATION OF OTHER LAW. Chapter 311,
4-29 Government Code, applies to this Act.

4-30 SECTION 8. CONSTRUCTION OF ACT. (a) This Act shall be
4-31 liberally construed in conformity with the findings and purposes
4-32 set forth in this Act.

4-33 (b) If any provision of the general law conflicts with this
4-34 Act, this Act prevails.

4-35 SECTION 9. BOARD OF DIRECTORS; TERMS. (a) The district is
4-36 governed by a board of five elected directors who serve staggered
4-37 terms of four years.

4-38 (b) Elections for directors shall be held on the uniform
4-39 election date in May in even-numbered years.

4-40 SECTION 10. QUALIFICATIONS. (a) A person must meet the
4-41 qualifications of Section 375.063, Local Government Code, to serve
4-42 as a director of the district.

4-43 (b) Section 49.052, Water Code, does not apply to directors
4-44 of the district.

4-45 SECTION 11. POWERS OF DISTRICT. The district has all powers
4-46 and authority provided by the general laws on road districts and
4-47 road utility districts created under Section 52, Article III, Texas
4-48 Constitution, and conservation and reclamation districts and
4-49 municipal management districts created under Section 59, Article
4-50 XVI, Texas Constitution, including:

4-51 (1) Chapters 257 and 441, Transportation Code;

4-52 (2) Chapter 375, Local Government Code; and

4-53 (3) Chapters 49 and 54, Water Code.

4-54 SECTION 12. AGREEMENTS; GRANTS. (a) The district may make
4-55 an agreement with or accept a gift, grant, or loan from any person.

4-56 (b) The implementation of a project is a governmental
4-57 function or service for the purposes of Chapter 791, Government
4-58 Code.

4-59 SECTION 13. LAW ENFORCEMENT SERVICES. To protect the
4-60 public interest, the district may contract with a municipality or
4-61 county to provide law enforcement services in the district for a
4-62 fee.

4-63 SECTION 14. AUTHORITY TO IMPOSE AD VALOREM TAXES,
4-64 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad valorem
4-65 tax, assessment, or impact fee and use the proceeds of the tax,
4-66 assessment, or impact fee for any district purpose, including the
4-67 payment of debt or other contractual obligations or the payment of
4-68 maintenance and operating expenses.

4-69 SECTION 15. ELECTIONS REGARDING TAXES OR BONDS. (a) The

5-1 district must hold an election in the manner provided by Chapters 49
5-2 and 54, Water Code, to obtain voter approval before the district may
5-3 impose a maintenance tax or issue bonds payable from ad valorem
5-4 taxes.

5-5 (b) The board may include more than one purpose in a single
5-6 proposition at an election.

5-7 SECTION 16. MAINTENANCE TAX. (a) The district may impose
5-8 an annual ad valorem tax on taxable property in the district for any
5-9 district purpose, including to:

5-10 (1) maintain and operate the district and the
5-11 improvements constructed or acquired by the district; or

5-12 (2) provide a service.

5-13 (b) The board shall determine the tax rate.

5-14 SECTION 17. ASSESSMENTS; PETITION REQUIRED FOR FINANCING
5-15 SERVICES AND IMPROVEMENTS. (a) The board by resolution may impose
5-16 and collect an assessment for any purpose authorized by this Act.

5-17 (b) The board may not finance a service or improvement
5-18 project through an assessment under this Act unless a written
5-19 petition requesting that service or improvement has been filed with
5-20 the board. The petition must be signed by:

5-21 (1) the owners of a majority of the assessed value of
5-22 real property in the district that will be subject to the
5-23 assessment, according to the most recent certified tax appraisal
5-24 roll for the county in which the property is located; or

5-25 (2) at least 25 owners of land in the district that
5-26 will be subject to the assessment, if more than 25 persons own land
5-27 in the district that will be subject to the assessment, according to
5-28 the most recent certified tax appraisal roll for the county in which
5-29 the property is located.

5-30 (c) The district may not impose an assessment or impact fee
5-31 on the property, equipment, or facilities of an electric utility as
5-32 defined by Section 31.002, Utilities Code, a gas utility as defined
5-33 by Section 101.003 or 121.001, Utilities Code, a telecommunications
5-34 provider as defined by Section 51.002, Utilities Code, or a cable
5-35 operator as defined by 47 U.S.C. Section 522, as amended.

5-36 (d) An assessment, a reassessment, or an assessment
5-37 resulting from an addition to or correction of the assessment roll
5-38 by the district, penalties and interest on an assessment or
5-39 reassessment, an expense of collection, and reasonable attorney's
5-40 fees incurred by the district:

5-41 (1) are a first and prior lien against the property
5-42 assessed;

5-43 (2) are superior to any other lien or claim other than
5-44 a lien or claim for county, school district, or municipal ad valorem
5-45 taxes; and

5-46 (3) are the personal liability of and charge against
5-47 the owners of the property even if the owners are not named in the
5-48 assessment proceeding.

5-49 (e) The lien is effective from the date of the board's
5-50 resolution imposing the assessment until the date the assessment is
5-51 paid. The board may enforce the lien in the same manner that the
5-52 board may enforce an ad valorem tax lien against real property.

5-53 SECTION 18. OBLIGATIONS. (a) The district may issue bonds
5-54 or other obligations payable in whole or in part from ad valorem
5-55 taxes, assessments, impact fees, revenue, grants, or other money of
5-56 the district, or any combination of those sources of money, to pay
5-57 for any authorized purpose of the district.

5-58 (b) In exercising the district's borrowing power, the
5-59 district may issue a bond or other obligation in the form of a bond,
5-60 note, certificate of participation or other instrument evidencing a
5-61 proportionate interest in payments to be made by the district, or
5-62 other type of obligation.

5-63 SECTION 19. INITIAL DIRECTORS. (a) The initial board
5-64 consists of the following persons:

5-65 David Flickinger

5-66 Julie Roberts

5-67 Ingelisa Keeling

5-68 James Warnica

5-69 Kim Osburn

6-1 (b) Of the initial directors, the terms of the first three
6-2 directors named in Subsection (a) expire on June 1, 2006, and the
6-3 terms of the last two directors named in Subsection (a) expire on
6-4 June 1, 2004.

6-5 (c) On the uniform election date in May 2004, the board
6-6 shall hold an election for the directors whose terms expire on
6-7 June 1, 2004. On the uniform election date in May 2006, the board
6-8 shall hold an election for the directors whose terms expire on
6-9 June 1, 2006.

6-10 (d) This section expires September 1, 2006.

6-11 SECTION 20. ADDITIONAL LEGISLATIVE FINDINGS. The
6-12 legislature finds that:

6-13 (1) proper and legal notice of the intention to
6-14 introduce this Act, setting forth the general substance of this
6-15 Act, has been published as provided by law, and the notice and a
6-16 copy of this Act have been furnished to all persons, agencies,
6-17 officials, or entities to which they are required to be furnished by
6-18 the constitution and laws of this state, including the governor,
6-19 who has submitted the notice and Act to the Texas Commission on
6-20 Environmental Quality;

6-21 (2) the Texas Commission on Environmental Quality has
6-22 filed its recommendations relating to this Act with the governor,
6-23 lieutenant governor, and speaker of the house of representatives
6-24 within the required time;

6-25 (3) the general law relating to consent by political
6-26 subdivisions to the creation of districts with conservation,
6-27 reclamation, and road powers and the inclusion of land in those
6-28 districts has been complied with; and

6-29 (4) all requirements of the constitution and laws of
6-30 this state and the rules and procedures of the legislature with
6-31 respect to the notice, introduction, and passage of this Act have
6-32 been fulfilled and accomplished.

6-33 SECTION 21. EFFECTIVE DATE. This Act takes effect
6-34 immediately if it receives a vote of two-thirds of all the members
6-35 elected to each house, as provided by Section 39, Article III, Texas
6-36 Constitution. If this Act does not receive the vote necessary for
6-37 immediate effect, this Act takes effect September 1, 2003.

6-38 * * * * *