

1-1 By: Hope (Senate Sponsor - Staples) H.B. No. 1054
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2005, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 18, 2005, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the creation of the Montgomery County Municipal Utility
1-10 District No. 100; providing authority to impose a tax and issue
1-11 bonds; granting the power of eminent domain.

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

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8119 to read as follows:

1-15 CHAPTER 8119. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
1-16 NO. 100

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8119.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the
1-20 district.

1-21 (2) "Director" means a member of the board.

1-22 (3) "District" means the Montgomery County Municipal
1-23 Utility District No. 100.

1-24 Sec. 8119.002. NATURE OF DISTRICT. The district is a
1-25 municipal utility district in Montgomery County created under and
1-26 essential to accomplish the purposes of Section 59, Article XVI,
1-27 Texas Constitution.

1-28 Sec. 8119.003. CONFIRMATION ELECTION REQUIRED. If the
1-29 creation of the district is not confirmed at a confirmation
1-30 election held under Section 8119.023 before September 1, 2010:

1-31 (1) the district is dissolved September 1, 2010,
1-32 except that:

1-33 (A) any debts incurred shall be paid;

1-34 (B) any assets that remain after the payment of
1-35 debts shall be transferred to Montgomery County; and

1-36 (C) the organization of the district shall be
1-37 maintained until all debts are paid and remaining assets are
1-38 transferred; and

1-39 (2) this chapter expires September 1, 2013.

1-40 Sec. 8119.004. INITIAL DISTRICT TERRITORY. (a) The
1-41 district is initially composed of the territory described by
1-42 Section 2 of the Act creating this chapter.

1-43 (b) The boundaries and field notes contained in Section 2 of
1-44 the Act creating this chapter form a closure. A mistake made in the
1-45 field notes or in copying the field notes in the legislative process
1-46 does not affect:

1-47 (1) the organization, existence, or validity of the
1-48 district;

1-49 (2) the right of the district to impose taxes;

1-50 (3) the validity of the district's bonds, notes, or
1-51 indebtedness; or

1-52 (4) the legality or operation of the district or the
1-53 board.

1-54 Sec. 8119.005. APPLICABILITY OF OTHER WATER DISTRICTS LAW.
1-55 Except as otherwise provided by this chapter, Chapters 49 and 54,
1-56 Water Code, apply to the district.

1-57 [Sections 8119.006-8119.020 reserved for expansion]

1-58 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-59 Sec. 8119.021. TEMPORARY DIRECTORS. (a) On or after
1-60 September 1, 2005, a person who owns land in the district may submit
1-61 a petition to the Texas Commission on Environmental Quality
1-62 requesting that the commission appoint as temporary directors the
1-63 five persons named in the petition.

1-64 (b) The commission shall appoint as temporary directors the

2-1 five persons named in the first petition received by the commission
 2-2 under Subsection (a).
 2-3 (c) If a temporary director fails to qualify for office or
 2-4 if a vacancy occurs in the office of temporary director, the vacancy
 2-5 shall be filled as provided by Section 49.105, Water Code.
 2-6 (d) Temporary directors serve until the earlier of:
 2-7 (1) the date directors are elected under Section
 2-8 8119.023; or
 2-9 (2) the date this chapter expires under Section
 2-10 8119.003.
 2-11 Sec. 8119.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-12 DIRECTORS. As soon as practicable after all the temporary
 2-13 directors have qualified under Section 49.055, Water Code, the
 2-14 temporary directors shall meet at a location in the district
 2-15 agreeable to a majority of the directors. If a location cannot be
 2-16 agreed upon, the meeting shall be at the Montgomery County
 2-17 Courthouse. At the meeting, the temporary directors shall elect
 2-18 officers from among the temporary directors and conduct any other
 2-19 district business.
 2-20 Sec. 8119.023. CONFIRMATION AND INITIAL DIRECTORS'
 2-21 ELECTION. (a) The temporary directors shall hold an election to
 2-22 confirm the creation of the district and to elect five directors as
 2-23 provided by Section 49.102, Water Code.
 2-24 (b) Section 41.001(a), Election Code, does not apply to a
 2-25 confirmation and initial directors' election held under this
 2-26 section.
 2-27 Sec. 8119.024. INITIAL ELECTED DIRECTORS; TERMS. The
 2-28 directors elected under Section 8119.023 shall draw lots to
 2-29 determine which two shall serve until the first regularly scheduled
 2-30 election of directors under Section 8119.052 and which three shall
 2-31 serve until the second regularly scheduled election of directors.
 2-32 Sec. 8119.025. FIRST REGULARLY SCHEDULED ELECTION OF
 2-33 DIRECTORS. The board by order may postpone the first election under
 2-34 Section 8119.052 following the confirmation and directors'
 2-35 election held under Section 8119.023 if:
 2-36 (1) the election would otherwise occur not later than
 2-37 the 60th day after the date on which the confirmation election is
 2-38 held; or
 2-39 (2) the board determines that there is not sufficient
 2-40 time to comply with the requirements of law and to order the
 2-41 election.
 2-42 Sec. 8119.026. EXPIRATION OF SUBCHAPTER. This subchapter
 2-43 expires September 1, 2013.
 2-44 [Sections 8119.027-8119.050 reserved for expansion]
 2-45 SUBCHAPTER B. BOARD OF DIRECTORS
 2-46 Sec. 8119.051. DIRECTORS; TERMS. (a) The district is
 2-47 governed by a board of five directors.
 2-48 (b) Directors serve staggered four-year terms.
 2-49 Sec. 8119.052. ELECTION OF DIRECTORS. On the uniform
 2-50 election date in May of each even-numbered year, the appropriate
 2-51 number of directors shall be elected.
 2-52 [Sections 8119.053-8119.100 reserved for expansion]
 2-53 SUBCHAPTER C. POWERS AND DUTIES
 2-54 Sec. 8119.101. UTILITIES. The district may not impose an
 2-55 impact fee or assessment on the property, equipment, rights-of-way,
 2-56 facilities, or improvements of:
 2-57 (1) an electric utility as defined by Section 31.002,
 2-58 Utilities Code;
 2-59 (2) a gas utility as defined by Section 101.003 or
 2-60 121.001, Utilities Code;
 2-61 (3) a telecommunications provider as defined by
 2-62 Section 51.002, Utilities Code; or
 2-63 (4) a cable operator as defined by 47 U.S.C. Section
 2-64 522, as amended.
 2-65 Sec. 8119.102. COMPLIANCE WITH MUNICIPAL CONSENT
 2-66 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
 2-67 54.016, Water Code, the district shall comply with all applicable
 2-68 requirements of any ordinance or resolution adopted by a
 2-69 municipality in the corporate limits or extraterritorial

3-1 jurisdiction of which the district is located, including an
3-2 ordinance or resolution adopted before September 1, 2005, that
3-3 consents to the creation of the district or to the inclusion of
3-4 lands within the district.

3-5 Sec. 8119.103. LIMITATION ON USE OF EMINENT DOMAIN. The
3-6 district may not exercise the power of eminent domain outside the
3-7 district boundaries to acquire a site for a water treatment plant,
3-8 water storage facility, wastewater treatment plant, or wastewater
3-9 disposal facility.

3-10 SECTION 2. The Montgomery County Municipal Utility District
3-11 No. 100 initially includes all the territory contained in the
3-12 following area:

3-13 Being 759 acres of land in the William Weir Survey, A-42, the James
3-14 Elkins Survey, A-198, Montgomery County, Texas, said 759 acres
3-15 being described more particularly as follows:

3-16 Beginning at the Southeast corner of the herein described
3-17 tract, at the intersection of the North line of Long Street, with
3-18 the Westerly limits of the City of Willis and being Westerly along
3-19 the North line of Long Street 000.00 feet from its' intersection
3-20 with the West Right of Way line of Interstate Highway No. 45;

3-21 Thence in a Northwesterly direction along the North line of
3-22 Long Street as follows:

- 3-23 1. N. 71° 40' 15" W., 996.91 feet,
- 3-24 2. N. 70° 35' 24" W., 832.19 feet,
- 3-25 3. N. 75° 51' 31" W., 428.03 feet,
- 3-26 4. N. 79° 32' 59" W., 915.10 feet,
- 3-27 5. N. 75° 16' 38" W., 654.77 feet,
- 3-28 6. N. 74° 38' 52" W., 2,492.02 feet,
- 3-29 7. N. 74° 08' 48" W., 152.05 feet to the Southwest corner of the

3-30 herein described tract;

3-31 THENCE N. 15° 12' 12" E., leaving the North line of Long Street
3-32 for a distance of 2,525.27 feet;

3-33 THENCE S. 74° 45' 22" E., 1,453.09 feet;

3-34 THENCE N. 14° 46' 27" E., 4,278.49 feet to the Northwest
3-35 corner of the herein described tract, in the South line of Calvary
3-36 Road;

3-37 THENCE S. 73° 41' 20" E., along the South line of Calvary Road
3-38 for a distance of 2,757.80 feet to the Northeast corner of the
3-39 herein described tract;

3-40 THENCE S. 15° 07' 48" W., leaving the South line of Calvary
3-41 Road for a distance of 3,209.39 feet;

3-42 THENCE S. 74° 26' 07" E., for a distance of 2,354.27 feet;

3-43 THENCE N. 15° 23' 39" E., for a distance of 1,311.19 feet to
3-44 the Lower Northeast corner of the herein described tract, in the
3-45 West line of I.H. 45;

3-46 THENCE in a Southerly direction along the West line of I.H. 45
3-47 as follows:

- 3-48 1. S. 01° 38' 03" E., 509.25 feet,
- 3-49 2. S. 00° 34' 07" E., 600.39 feet,
- 3-50 3. S. 02° 16' 39" W., 600.02 feet,
- 3-51 4. S. 00° 38' 13" E., 200.31 feet,
- 3-52 5. S. 04° 02' 56" E., 500.41 feet,
- 3-53 6. S. 00° 38' 08" E., 800.08 feet,
- 3-54 7. S. 00° 37' 36" E., 1,288.19 feet to the intersection with the

3-55 Northerly line of the City of Willis;

3-56 THENCE N. 75° 02' 00" W., leaving the West line of I.H. 45,
3-57 along the Northerly line of the City of Willis for a distance of
3-58 1,458.17 feet;

3-59 THENCE SOUTH, along the West line of the City of Willis for a
3-60 distance of 560.00 feet to the POINT OF BEGINNING and containing in
3-61 all 759 acres of land.

3-62 SECTION 3. (a) The legal notice of the intention to
3-63 introduce this Act, setting forth the general substance of this
3-64 Act, has been published as provided by law, and the notice and a
3-65 copy of this Act have been furnished to all persons, agencies,
3-66 officials, or entities to which they are required to be furnished
3-67 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-68 Government Code.

3-69 (b) The governor, one of the required recipients, has

4-1 submitted the notice and Act to the Texas Commission on
4-2 Environmental Quality.

4-3 (c) The Texas Commission on Environmental Quality has filed
4-4 its recommendations relating to this Act with the governor, the
4-5 lieutenant governor, and the speaker of the house of
4-6 representatives within the required time.

4-7 (d) All requirements of the constitution and laws of this
4-8 state and the rules and procedures of the legislature with respect
4-9 to the notice, introduction, and passage of this Act are fulfilled
4-10 and accomplished.

4-11 SECTION 4. This Act takes effect September 1, 2005.

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