

By: Brown of Kaufman

H.B. No. 4095

Substitute the following for H.B. No. 4095:

By: Puente

C.S.H.B. No. 4095

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of the Gastonia-Scurry Special Utility  
3 District; providing authority to issue bonds; granting the power of  
4 eminent domain.

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

6 SECTION 1. Subtitle C, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 7213 to read as follows:

8 CHAPTER 7213. GASTONIA-SCURRY SPECIAL UTILITY DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 7213.001. DEFINITION. In this chapter, "district"  
11 means the Gastonia-Scurry Special Utility District.

12 Sec. 7213.002. NATURE OF DISTRICT. The district is a  
13 special utility district in Kaufman County created under and  
14 essential to accomplish the purposes of Section 59, Article XVI,  
15 Texas Constitution. The district is created to serve a public use  
16 and benefit.

17 Sec. 7213.003. CONFIRMATION ELECTION REQUIRED. If the  
18 creation of the district is not confirmed at a confirmation and  
19 initial directors' election held before September 1, 2009:

20 (1) the district is dissolved on September 1, 2009,  
21 except that the district shall:

22 (A) pay any debts incurred;

23 (B) transfer to Kaufman County any assets of the  
24 district that remain after the payment of debts; and

1           (C) maintain the organization of the district  
2 until all debts are paid and remaining assets are transferred; and

3           (2) this chapter expires September 1, 2012.

4           Sec. 7213.004. APPLICABILITY OF OTHER SPECIAL UTILITY  
5 DISTRICT LAW. Except as otherwise provided by this chapter,  
6 Chapters 49 and 65, Water Code, apply to the district.

7           Sec. 7213.005. INITIAL DISTRICT TERRITORY. (a) The  
8 district is initially composed of the territory described by  
9 Section 2 of the Act creating this chapter.

10           (b) The boundaries and field notes contained in Section 2 of  
11 the Act creating this chapter form a closure. A mistake made in the  
12 field notes or in copying the field notes in the legislative process  
13 does not affect:

14           (1) the organization, existence, or validity of the  
15 district;

16           (2) the right of the district to issue any type of  
17 bond, including a refunding bond, for a purpose for which the  
18 district is created or to pay the principal of and interest on a  
19 bond; or

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

22           [Sections 7213.006-7213.020 reserved for expansion]

23           SUBCHAPTER A-1. TEMPORARY PROVISIONS

24           Sec. 7213.021. TEMPORARY DIRECTORS. (a) The temporary  
25 board of directors of the district is composed of:

26           (1) Frank Skube;

27           (2) Thomas Kintz;

1           (3) Rhonda Davenport;

2           (4) Carole Giddings;

3           (5) Angel McKinnon;

4           (6) Roger Brock; and

5           (7) Michael Reese.

6           (b) Each temporary director shall qualify for office as  
7 provided by Section 49.055, Water Code.

8           (c) If a temporary director fails to qualify for office, the  
9 temporary directors who have qualified shall appoint a person to  
10 fill the vacancy. If at any time there are fewer than four  
11 qualified temporary directors, the Texas Commission on  
12 Environmental Quality shall appoint the necessary number of  
13 directors to fill all vacancies on the board.

14           (d) Temporary directors serve until initial directors are  
15 elected under Section 7213.022.

16           (e) As soon as practicable after all the temporary directors  
17 have qualified under Section 49.055, Water Code, the temporary  
18 directors shall convene the organizational meeting of the district  
19 and elect officers from among the temporary directors.

20           Sec. 7213.022. CONFIRMATION AND INITIAL DIRECTORS'  
21 ELECTION. (a) The temporary directors shall hold an election to  
22 confirm the creation of the district and to elect seven initial  
23 directors in accordance with Chapters 49 and 65, Water Code, on or  
24 before September 1, 2009.

25           (b) The temporary board of directors shall determine the  
26 method for determining the initial term of each person on the  
27 initial board of directors. The terms must be clearly stated on the

1 ballot for the confirmation and directors' election.

2 (c) Section 41.001(a), Election Code, does not apply to a  
3 confirmation election held as provided by this section.

4 (d) Initial directors serve until the first regularly  
5 scheduled election of directors under Subchapter C, Chapter 65,  
6 Water Code.

7 Sec. 7213.023. TRANSFER OF ASSETS; DISSOLUTION. (a) If the  
8 district's creation is confirmed under Section 7213.022, the  
9 Gastonia-Scurry Water Supply Corporation shall transfer the  
10 assets, debts, and contractual rights and obligations of the  
11 corporation to the district.

12 (b) Not later than the 30th day after the date of the  
13 transfer under Subsection (a), the board of directors of the  
14 Gastonia-Scurry Water Supply Corporation shall commence  
15 dissolution proceedings of the corporation.

16 (c) On dissolution of the Gastonia-Scurry Water Supply  
17 Corporation, Certificate of Convenience and Necessity No. 10837 is  
18 considered to be held by the district.

19 (d) The board of directors of the Gastonia-Scurry Water  
20 Supply Corporation shall notify the Texas Commission on  
21 Environmental Quality of the dissolution of the corporation and of  
22 the transfer of Certificate of Convenience and Necessity No. 10837  
23 to the district.

24 (e) On receipt of notice under Subsection (d), the Texas  
25 Commission on Environmental Quality shall note in its records that  
26 Certificate of Convenience and Necessity No. 10837 is held by the  
27 district and shall reissue the certificate in the name of the

1 district without further application, notice, or hearing. A person  
2 does not have a right to protest or request an administrative review  
3 of the transfer prescribed by this section.

4 Sec. 7213.024. EXPIRATION OF SUBCHAPTER. This subchapter  
5 expires September 1, 2012.

6 [Sections 7213.025-7213.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 7213.051. DIRECTORS. The district is governed by a  
9 board of not fewer than 5 and not more than 11 directors.

10 [Sections 7213.052-7213.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 7213.101. GENERAL POWERS. Except as otherwise  
13 provided by this chapter, the district has all of the rights,  
14 powers, privileges, functions, and duties provided by the general  
15 law of this state, including Chapters 49 and 65, Water Code,  
16 applicable to special utility districts created under Section 59,  
17 Article XVI, Texas Constitution.

18 Sec. 7213.102. WATER SERVICE IMPACT FEE. (a) The district  
19 may charge a water service impact fee that is not greater than the  
20 equity buy-in fee charged by the Gastonia-Scurry Water Supply  
21 Corporation on December 31, 2006, under that corporation's tariff.

22 (b) Chapter 395, Local Government Code, does not apply to  
23 the initial water service impact fee set under this section.

24 (c) The district may increase the water service impact fee  
25 only as provided by Chapter 395, Local Government Code, or as  
26 approved by the Texas Commission on Environmental Quality.

27 SECTION 2. The Gastonia-Scurry Special Utility District

1 initially includes all the territory contained in the following  
2 area:

3 Being a boundary comprised of 3 tracts, located in Kaufman County,  
4 Texas, set forth in and described as follows:

5 Tract 1

6 BEGINNING at the southernmost point of the Gastonia Scurry Water  
7 Supply Corporation CCN No. 10837 boundary, being S 26° 22' 32" E  
8 16,233.35 feet from the intersection of County Road 2451 and  
9 Highway 34;

10 Thence N 82° 42' 40" W 12101.18 ft. for a point for corner;

11 Thence generally S 62° 32' 13" W 734.23 ft. meandering up Trinity  
12 River for a point for corner;

13 Thence generally N 79° 37' 45" W 1880.96 ft. meandering up Trinity  
14 River for a point for corner;

15 Thence generally N 57° 47' 01" W 7084.43 ft. meandering up Trinity  
16 River for a point for corner;

17 Thence generally N 30° 28' 40" W 4110.34 ft. meandering up Trinity  
18 River for a point for corner;

19 Thence generally N 36° 52' 59" E 911.81 ft. meandering up Trinity  
20 River for a point for corner;

21 Thence generally N 10° 40' 29" W 1828.90 ft. meandering up Trinity  
22 River for a point for corner;

23 Thence generally N 81° 52' 26" W 737.07 ft. meandering up Trinity  
24 River for a point for corner;

25 Thence generally S 59° 02' 54" W 607.73 ft. meandering up Trinity  
26 River for a point for corner;

27 Thence generally N 73° 49' 37" W 3328.45 ft. meandering up Trinity

1 River for a point for corner;  
2 Thence generally N 47° 32' 50" E 2083.82 ft. meandering up Trinity  
3 River for a point for corner;  
4 Thence generally N 17° 02' 44" W 1689.12 ft. meandering up Trinity  
5 River for a point for corner;  
6 Thence generally N 22° 58' 25" E 1669.17 ft. meandering up Trinity  
7 River for a point for corner;  
8 Thence generally N 38° 03' 38" W 760.87 ft. meandering up Trinity  
9 River for a point for corner;  
10 Thence generally N 70° 41' 08" W 2126.27 ft. meandering up Trinity  
11 River for a point for corner;  
12 Thence generally N 26° 16' 39" W 2236.77 ft. meandering up Trinity  
13 River for a point for corner;  
14 Thence generally N 11° 18' 55" E 531.27 ft. meandering up Trinity  
15 River for a point for corner;  
16 Thence generally N 36° 52' 59" W 1693.35 ft. meandering up Trinity  
17 River for a point for corner;  
18 Thence generally N 81° 01' 54" W 501.26 ft. meandering up Trinity  
19 River for a point for corner;  
20 Thence generally N 32° 09' 53" W 1076.93 ft. meandering up Trinity  
21 River for a point for corner;  
22 Thence generally N 51° 02' 48" E 2278.70 ft. meandering up Trinity  
23 River for a point for corner;  
24 Thence generally N 82° 52' 42" E 840.39 ft. meandering up Trinity  
25 River for a point for corner;  
26 Thence generally N 4° 54' 05" W 914.99 ft. meandering up Trinity  
27 River for a point for corner;

1 Thence generally N 84° 17' 32" W 1309.48 ft. meandering up Trinity  
2 River for a point for corner;  
3 Thence generally N 42° 48' 15" W 843.67 ft. meandering up Trinity  
4 River for a point for corner;  
5 Thence generally N 08° 45' 01" W 685.20 ft. meandering up Trinity  
6 River for a point for corner;  
7 Thence generally N 34° 55' 57" E 1683.88 ft. meandering up Trinity  
8 River for a point for corner;  
9 Thence generally N 70° 01' 33" E 305.00 ft. meandering up Trinity  
10 River for a point for corner;  
11 Thence generally S 05° 21' 30" E 837.16 ft. meandering up Trinity  
12 River for a point for corner;  
13 Thence generally S 55° 08' 16" E 1048.07 ft. meandering up Trinity  
14 River for a point for corner;  
15 Thence generally N 33° 42' 10" E 751.42 ft. meandering up Trinity  
16 River for a point for corner;  
17 Thence generally N 03° 05' 44" W 965.15 ft. meandering up Trinity  
18 River for a point for corner;  
19 Thence generally S 74° 03' 43" E 1138.26 ft. meandering up Trinity  
20 River for a point for corner;  
21 Thence generally N 78° 12' 44" E 4845.04 ft. meandering up Trinity  
22 River for a point for corner;  
23 Thence generally N 28° 15' 41" E 1981.33 ft. meandering up Trinity  
24 River for a point for corner;  
25 Thence generally N 05° 06' 17" W 1464.44 ft. meandering up Trinity  
26 River for a point for corner;  
27 Thence generally N 38° 52' 53" W 2241.84 ft. meandering up Trinity

1 River for a point for corner;  
2 Thence generally N 02° 29' 27" E 2998.24 ft. meandering up Trinity  
3 River for a point for corner;  
4 Thence generally N 30° 01' 12" E 6523.79 ft. meandering up Trinity  
5 River for a point for corner;  
6 Thence generally N 04° 34' 34" E 4572.81 ft. meandering up Trinity  
7 River for a point for corner;  
8 Thence generally N 19° 59' 31" W 2134.23 ft. meandering up Trinity  
9 River for a point for corner;  
10 Thence generally N 19° 50' 27" E 1689.14 ft. meandering up Trinity  
11 River for a point for corner;  
12 Thence generally N 21° 43' 38" W 3308.61 ft. meandering up Trinity  
13 River for a point for corner;  
14 Thence N 46° 13' 58" E 1732.13 ft. for a point for corner;  
15 Thence N 44° 16' 11" W 2837.29 f ft. or a point for corner;  
16 Thence N 15° 27' 05" W 1074.13 ft. for a point for corner;  
17 Thence N 45° 31' 24" E 14499.15 ft. for a point for corner;  
18 Thence S 70° 21' 18" E 774.77 ft. for a point for corner;  
19 Thence N 45° 00' 50" E 884.28 ft. for a point for corner;  
20 Thence S 46° 24' 20" E 2835.40 ft. for a point for corner;  
21 Thence N 43° 13' 55" E 4147.01 ft. for a point for corner;  
22 Thence S 44° 06' 42" E 4679.86 ft. for a point for corner;  
23 Thence N 44° 47' 00" E 5442.90 ft. for a point for corner;  
24 Thence N 87° 57' 20" E 730.13 ft. for a point for corner;  
25 Thence N 45° 00' 50" E 3389.74 ft. for a point for corner;  
26 Thence N 00° 00' 00" E 4896.85 ft. for a point for corner;  
27 Thence N 88° 14' 51" W 2555.04 ft. for a point for corner;

1 Thence N 58° 00' 25" W 245.81 ft. for a point for corner;  
2 Thence N 43° 36' 32" W 3476.83 ft. for a point for corner;  
3 Thence N 46° 59' 20" E 534.58 ft. for a point for corner;  
4 Thence N 47° 08' 06" W 1991.03 ft. for a point for corner;  
5 Thence N 45° 00' 50" E 2579.15 ft. for a point for corner;  
6 Thence N 44° 31' 42" W 4347.85 ft. for a point for corner;  
7 Thence N 47° 16' 52" E 3724.33 ft. for a point for corner;  
8 Thence S 47° 18' 16" E 1382.82 ft. for a point for corner;  
9 Thence N 43° 24' 28" E 1971.96 ft. for a point for corner (being  
10 defined as Point No. 68);  
11 Thence generally S 45° 07' 06" E 10113.98 ft. meandering up Big  
12 Brushy for a point for corner;  
13 Thence generally S 12° 12' 22" W 986.03 ft. meandering up Big Brushy  
14 for a point for corner;  
15 Thence generally S 15° 57' 10" E 568.90 ft. meandering up Big Brushy  
16 for a point for corner;  
17 Thence generally S 45° 00' 50" E 700.06 ft. meandering up Big Brushy  
18 for a point for corner;  
19 Thence generally S 12° 29' 06" E 3254.71 ft. meandering up Big Brushy  
20 for a point for corner;  
21 Thence generally S 27° 05' 00" W 1316.48 ft. meandering up Big Brushy  
22 for a point for corner;  
23 Thence generally S 10° 24' 45" E 1297.68 ft. meandering up Big Brushy  
24 for a point for corner;  
25 Thence generally S 19° 24' 23" E 1960.74 ft. meandering up Big Brushy  
26 for a point for corner;  
27 Thence generally S 23° 47' 16" E 3181.26 ft. meandering up Big Brushy

1 for a point for corner;  
2 Thence generally S 01° 07' 26" E 1328.66 ft. meandering up Big Brushy  
3 for a point for corner;  
4 Thence generally S 29° 12' 33" E 1014.62 ft. meandering up Big Brushy  
5 for a point for corner;  
6 Thence generally S 08° 32' 05" W 526.78 ft. meandering up Big Brushy  
7 for a point for corner;  
8 Thence generally S 62° 06' 51" W 501.21 ft. meandering up Big Brushy  
9 for a point for corner;  
10 Thence generally S 17° 45' 10" E 1367.47 ft. meandering up Big Brushy  
11 for a point for corner;  
12 Thence generally S 34° 29' 32" E 2623.02 ft. meandering up Big Brushy  
13 for a point for corner;  
14 Thence generally S 42° 53' 34" E 497.74 ft. meandering up Big Brushy  
15 for a point for corner;  
16 Thence S 83° 27' 25" E 1600.06 ft. for a point for corner;  
17 Thence N 18° 18' 50" E 3649.09 ft. for a point for corner;  
18 Thence N 34° 13' 43" W 1575.17 ft. for a point for corner;  
19 Thence S 75° 12' 36" W 1428.49 ft. for a point for corner;  
20 Thence N 14° 02' 34" W 536.99 ft. for a point for corner;  
21 Thence N 75° 58' 13" E 2578.65 ft. for a point for corner;  
22 Thence N 43° 53' 26" E 1879.44 ft. for a point for corner;  
23 Thence S 29° 29' 16" E 688.24 ft. for a point for corner;  
24 Thence S 17° 35' 16" W 2759.76 ft. for a point for corner;  
25 Thence S 31° 26' 31" E 549.54 ft. for a point for corner;  
26 Thence S 43° 09' 58" E 1714.16 ft. for a point for corner;  
27 Thence S 46° 33' 43" E 681.89 ft. for a point for corner;

1 Thence S 48° 22' 49" W 627.47 ft. for a point for corner;  
2 Thence S 37° 14' 53" E 818.04 ft. for a point for corner;  
3 Thence N 46° 20' 46" E 792.39 ft. for a point for corner;  
4 Thence S 47° 44' 24" E 387.32 ft. for a point for corner;  
5 Thence S 45° 55' 24" W 1160.77 ft. for a point for corner;  
6 Thence N 46° 48' 13" W 1179.63 ft. for a point for corner;  
7 Thence S 45° 00' 50" W 1031.66 ft. for a point for corner;  
8 Thence N 86° 25' 31" W 417.77 ft. for a point for corner;  
9 Thence N 20° 33' 55" W 445.12 ft. for a point for corner;  
10 Thence S 15° 46' 10" W 3356.15 ft. for a point for corner;  
11 Thence S 80° 10' 16" E 3967.18 ft. for a point for corner;  
12 Thence S 06° 10' 23" W 969.36 ft. for a point for corner;  
13 Thence S 88° 48' 25" W 1251.13 ft. for a point for corner;  
14 Thence N 78° 07' 01" W 4047.81 ft. for a point for corner;  
15 Thence S 45° 50' 25" W 9670.86 ft. for a point for corner;  
16 Thence S 11° 56' 22" E 12363.66 ft. for a point for corner;  
17 Thence S 53° 32' 53" E 16243.50 ft. for a point for corner;  
18 Thence S 28° 06' 19" E 8297.65 ft. for a point for corner;  
19 Thence S 01° 19' 29" W 7837.10 ft. for a point for corner;  
20 Thence S 39° 17' 25" W 8312.75 ft. for a point for corner;  
21 Thence N 85° 36' 31" W 5553.17 ft. for a point for corner;  
22 Thence S 55° 43' 52" W 22389.01 ft. to PLACE OF BEGINNING.

23 Also including;

24 Tract Two

25 BEGINNING at the west corner of this tract N 45° 52' 54" E 3325.19  
26 feet from the previously defined Point No. 68;  
27 Thence N 45° 52' 54" E 3325.19 ft. for a point for corner;

1 Thence S 46° 52' 51" E 5823.43 ft. for a point for corner;  
2 Thence N 45° 00' 50" E 901.59 ft. for a point for corner;  
3 Thence N 14° 56' 18" W 1060.17 ft. for a point for corner (being  
4 defined as Point No. 122);  
5 Thence N 45° 12' 11" W 4878.30 ft. for a point for corner;  
6 Thence S 45° 52' 54" W 1606.72 ft. for a point being the PLACE OF  
7 BEGINNING.

8 Also including;

9 Tract Three

10 Beginning at the south corner of this tract N 53° 08' 36" W 2390.87  
11 feet from the previously defined Point No. 122  
12 Thence N 53° 08' 36" W 2390.87 ft. for a point for corner;  
13 Thence N 39° 49' 09" W 355.64 ft. for a point for corner;  
14 Thence N 42° 00' 03" E 306.31 ft. for a point for corner;  
15 Thence N 59° 02' 54" W 2257.23 ft. for a point for corner;  
16 Thence N 40° 49' 44" E 661.84 ft. for a point for corner;  
17 Thence N 59° 36' 04" W 2429.18 ft. for a point for corner;  
18 Thence N 46° 12' 56" E 2302.81 ft. for a point for corner;  
19 Thence N 87° 08' 20" E 456.05 ft. for a point for corner;  
20 Thence S 38° 40' 24" E 291.57 ft. for a point for corner;  
21 Thence N 90° 00' 00" E 364.39 ft. for a point for corner;  
22 Thence S 42° 17' 15" E 4061.68 ft. for a point for corner;  
23 Thence S 45° 00' 58" W 2511.58 ft. ending at PLACE OF BEGINNING.

24 SECTION 3. (a) The legal notice of the intention to  
25 introduce this Act, setting forth the general substance of this  
26 Act, has been published as provided by law, and the notice and a  
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished  
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3 Government Code.

4 (b) The governor has submitted the notice and Act to the  
5 Texas Commission on Environmental Quality.

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

10 (d) The general law relating to consent by political  
11 subdivisions to the creation of a conservation and reclamation  
12 district and the inclusion of land in the district has been complied  
13 with. All requirements of the constitution and laws of this state  
14 and the rules and procedures of the legislature with respect to the  
15 notice, introduction, and passage of this Act are fulfilled and  
16 accomplished.

17 SECTION 4. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2007.