

By: Nichols

S.B. No. 853

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, functions, operations, and financing of the San Jacinto Special Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle C, Title 6, Special District Local Laws Code, is amended by adding Chapter 7211 to read as follows:

CHAPTER 7211. SAN JACINTO SPECIAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7211.001. DEFINITION. In this chapter, "district" means the San Jacinto Special Utility District.

Sec. 7211.002. NATURE OF DISTRICT. The district is a special utility district in San Jacinto County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

Sec. 7211.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation and initial directors' election held before September 1, 2009:

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

(A) any debts of the district incurred shall be paid;

1 (B) any assets of the district that remain after
2 the payment of debts shall be transferred to San Jacinto County; and

3 (C) the organization of the district shall be
4 maintained until all debts are paid and remaining assets are
5 transferred; and

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

7 Sec. 7211.004. APPLICABILITY OF OTHER SPECIAL UTILITY
8 DISTRICT LAW. Except as otherwise provided by this chapter,
9 Chapters 49 and 65, Water Code, apply to the district.

10 Sec. 7211.005. INITIAL DISTRICT TERRITORY. (a) The
11 district is initially composed of the territory described by
12 Section 2 of the Act creating this chapter.

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

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

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

23 (3) the legality or operation of the district or the
24 board of directors of the district.

25 [Sections 7211.006-7211.020 reserved for expansion]

26 SUBCHAPTER A-1. TEMPORARY PROVISIONS

27 Sec. 7211.021. TEMPORARY DIRECTORS. (a) The temporary

1 board of directors of the district is composed of:

- 2 (1) Billy Weaver;
- 3 (2) Miller Thompson;
- 4 (3) Chuck Mason;
- 5 (4) Dennis Ready; and
- 6 (5) Phil Runge.

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

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

15 (d) Temporary directors serve until initial directors are
16 elected under Section 7211.022.

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

21 Sec. 7211.022. CONFIRMATION AND INITIAL DIRECTORS'
22 ELECTION. (a) The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five initial
24 directors in accordance with Chapters 49 and 65, Water Code, on or
25 before September 1, 2009.

26 (b) The temporary board of directors shall determine the
27 method for determining the initial term of each person on the

1 initial board of directors. The terms must be clearly stated on the
2 ballot for the confirmation and directors' election.

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

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

8 Sec. 7211.023. TRANSFER OF ASSETS; DISSOLUTION. (a) If
9 the district's creation is confirmed under Section 7211.022, the
10 San Jacinto Water Supply Corporation shall transfer the assets,
11 debts, and contractual rights and obligations of the corporation to
12 the district.

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

17 (c) On dissolution of the San Jacinto Water Supply
18 Corporation, Certificate of Convenience and Necessity No. 10124 is
19 considered to be held by the district.

20 (d) The board of directors of the San Jacinto Water Supply
21 Corporation shall notify the Texas Commission on Environmental
22 Quality of the dissolution of the corporation and of the transfer of
23 Certificate of Convenience and Necessity No. 10124 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. 10124 is held by the
27 district and shall reissue the certificate in the name of the

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

4 Sec. 7211.024. EXPIRATION OF SUBCHAPTER. This subchapter
5 expires September 1, 2012.

6 [Sections 7211.025-7211.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 7211.051. DIRECTORS. The district is governed by a
9 board of not fewer than five and not more than 11 directors.

10 Sec. 7211.052. QUALIFICATIONS FOR DIRECTORS.
11 Notwithstanding Section 65.102, Water Code, to be qualified to
12 serve as a director, a person must be:

13 (1) at least 18 years old;

14 (2) a resident citizen of this state; and

15 (3) either a user of the district facilities or a
16 qualified voter of the district.

17 [Sections 7211.053-7211.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 7211.101. GENERAL POWERS. The district has all of the
20 rights, powers, privileges, functions, and duties provided by the
21 general law of this state, including Chapters 49 and 65, Water Code,
22 applicable to special utility districts created under Section 59,
23 Article XVI, Texas Constitution.

24 Sec. 7211.102. WATER SERVICE IMPACT FEE. (a) The district
25 may charge a water service impact fee that is equal to the tap fee
26 charged by the San Jacinto Water Supply Corporation on December 31,
27 2006, under that corporation's tariff.

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

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

6 Sec. 7211.103. LIMIT ON EMINENT DOMAIN POWER. The district
7 may not exercise the power of eminent domain to condemn, for
8 sanitary sewer purposes, land, easements, or other property located
9 outside the boundaries of the district.

10 SECTION 2. The San Jacinto Special Utility District
11 initially includes all the territory contained in the following
12 area:

13 Being that portion of San Jacinto County, Texas, starting at the
14 intersection of State Highway 156 and Farm to Market Road 945 thence
15 8193 ft west along Farm to Market Road 945 to point of beginning on
16 the existing CCN #10124 service area boundary for the place of
17 beginning of the boundary of the proposed San Jacinto Special
18 Utility District,

19 Thence N 13° 50' 52" W for a distance of 3669.69 ft to the corner of
20 the existing service area,

21 Thence N 55° 53' 36" W for a distance of 3078.52 ft to the corner of
22 the existing service area,

23 Thence N 03° 43' 56" E for a distance of 2915.59 ft to the corner of
24 the existing service area,

25 Thence N 38° 33' 01" E for a distance of 1330.62 ft to the corner of
26 the existing service area,

27 Thence N 61° 52' 09" E for a distance of 11948.11 ft to a point that

1 bears S 19° 04' 14" E from a tributary junction of Wolf Creek just
2 off Farm to Market Road 224 before it spills into a finger of Lake
3 Livingston,
4 Thence N 32° 31' 31" W for a distance of 6113.71 ft to a point that
5 bears S 31° 07' 12" E 354 ft from a tributary of Wolf Creek,
6 Thence N 37° 41' 31" E for a distance of 2816.54 ft to a point at the
7 centerline of Farm to Market Road 224,
8 Thence along the centerline of Farm to Market Road 224 heading
9 southeast and ending at a bearing and distance of S 27° 32' 53" E
10 7021.30 ft until reaching the first major creek which empties into a
11 finger of Lake Livingston,
12 Thence along the before mentioned creek a distance of N 50° 58' 18" E
13 182.24 ft until reaching the shoreline of Lake Livingston,
14 Thence along the southern shoreline of Lake Livingston and ending
15 at a bearing and distance of S 76° 26' 6" E 7915.93 ft until reaching
16 the existing CCN #12983 water service area boundary,
17 Thence S 69° 23' 20" W for a distance of 891.57 ft along the existing
18 CCN #12983 service area boundary,
19 Thence S 42° 5' 47" W for a distance of 2024.50 ft along the existing
20 CCN #12983 service area boundary,
21 Thence S 49° 24' 33" E for a distance of 479.12 ft along the existing
22 CCN #12983 service area boundary,
23 Thence N 47° 34' 28" E for a distance of 492.90 ft along the existing
24 CCN #12983 service area boundary,
25 Thence S 46° 36' 6" E for a distance of 529.35 ft along the existing
26 CCN #12983 service area boundary,
27 Thence S 74° 28' 53" E for a distance of 194.19 ft along the existing

1 CCN #12983 service area boundary,
2 Thence N 17° 31' 54" E for a distance of 207.05 ft along the existing
3 CCN #12983 service area boundary,
4 Thence S 77° 44' 23" E for a distance of 244.67 ft along the existing
5 CCN #12983 service area boundary,
6 Thence S 7° 18' 38" E for a distance of 322.27 ft along the existing
7 CCN #12983 service area boundary,
8 Thence S 73° 4' 43" W for a distance of 102.90 ft along the existing
9 CCN #12983 service area boundary,
10 Thence S 6° 13' 41" W for a distance of 236.71 ft along the existing
11 CCN #12983 service area boundary,
12 Thence S 42° 29' 55" E for a distance of 556.02 ft along the existing
13 CCN #12983 service area boundary,
14 Thence S 30° 43' 48" W for a distance of 512.62 ft along the existing
15 CCN #12983 service area boundary,
16 Thence S 57° 16' 43" E for a distance of 400.00 ft along the existing
17 CCN #12983 service area boundary,
18 Thence N 36° 9' 18" E for a distance of 629.49 ft along the existing
19 CCN #12983 service area boundary,
20 Thence N 43° 6' 01" E for a distance of 609.60 ft along the existing
21 CCN #12983 service area boundary,
22 Thence N 46° 55' 11" E for a distance of 441.20 ft along the existing
23 CCN #12983 service area boundary to its intersection with the
24 shoreline of Lake Livingston,
25 Thence along the shoreline of Lake Livingston and ending at a
26 bearing and distance of S 84° 57' 55" E 3675.41 ft until reaching the
27 existing CCN # 12949 water service area boundary,

1 Thence S 14° 30' 58" E for a distance of 912.39 ft along the existing
2 CCN #12949 service area boundary,
3 Thence S 15° 50' 17" E for a distance of 723.70 ft along the existing
4 CCN #12949 service area boundary,
5 Thence N 85° 46' 55" E for a distance of 1107.72 ft along the
6 existing CCN #12949 service area boundary to its intersection with
7 the shoreline of Lake Livingston,
8 Thence southerly along the meandering shoreline of Lake Livingston
9 and ending at a bearing and distance of S 27° 01' 47" W 1488.45 ft to
10 a point for a corner,
11 Thence S 13° 41' 40" E for a distance of 3065.65 ft to a point at the
12 centerline of Farm to Market Road 3128, this point being 6878 ft
13 from the intersection of Farm to Market Road 3128 and Farm to Market
14 Road 1514,
15 Thence S 16° 10' 04" W for a distance of 7195.57 ft to a tributary
16 junction of Mill Creek,
17 Thence S 17° 01' 10" E for a distance of 6254.67 ft to a point on the
18 centerline of Farm to Market Road 222 that is 3453.88 ft from the
19 intersection of State Highway 150 and Farm to Market Road 222,
20 Thence S 52° 57' 27" E for a distance of 13205.74 ft to a tributary
21 junction of Huffman Creek,
22 Thence S 25° 27' 27" E for a distance of 4429.67 ft to a point just
23 north of Sheperd Creek,
24 Thence S 36° 41' 46" W for a distance of 5804.93 ft to a tributary
25 junction of Little Creek,
26 Thence N 77° 7' 51" W for a distance of 9229.05 ft until crossing a
27 tributary of Henry Lake Branch, then continuing on same bearing a

1 distance of 2550.39 ft until crossing Henry Lake Branch, then
2 continuing on the same bearing a distance of 4219.11 ft until
3 crossing Double Lake Branch, then continuing on the same bearing a
4 distance of 7312.08 ft for a total of 23310.63 ft to a point just
5 west of Farm to Market Road 2025,

6 Thence N 4° 16' 48" W for a distance of 5765.75 ft to a point that
7 bears S 13° 20' 14" W 3179 ft from the intersection of Farm to Market
8 Road 2025 and State Highway 150,

9 Thence N 85° 0' 07" W for a distance of 6415.42 ft to a point on the
10 edge of the existing CCN #12339 service area boundary,

11 Thence N 13° 50' 52" W for a distance of 12666.89 ft to the place of
12 beginning for a point of closure on Farm to Market Road 945 for the
13 proposed San Jacinto Special Utility District boundary.

14 SECTION 3. (a) The legal notice of the intention to
15 introduce this Act, setting forth the general substance of this
16 Act, has been published as provided by law, and the notice and a
17 copy of this Act have been furnished to all persons, agencies,
18 officials, or entities to which they are required to be furnished
19 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
20 Government Code.

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

23 (c) The Texas Commission on Environmental Quality has filed
24 its recommendations relating to this Act with the governor,
25 lieutenant governor, and speaker of the house of representatives
26 within the required time.

27 (d) The general law relating to consent by political

1 subdivisions to the creation of a conservation and reclamation
2 district and the inclusion of land in the district has been complied
3 with. All requirements of the constitution and laws of this state
4 and the rules and procedures of the legislature with respect to the
5 notice, introduction, and passage of this Act are fulfilled and
6 accomplished.

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