

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.

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;

(B) any assets of the district that remain after

1 the payment of debts shall be transferred to San Jacinto County; and

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

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

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

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

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

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

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

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

24 [Sections 7211.006-7211.020 reserved for expansion]

25 SUBCHAPTER A-1. TEMPORARY PROVISIONS

26 Sec. 7211.021. TEMPORARY DIRECTORS. (a) The temporary
27 board of directors of the district is composed of:

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

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 7211.022.

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

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

19 (d) The board of directors of the San Jacinto Water Supply
20 Corporation shall notify the Texas Commission on Environmental
21 Quality of the dissolution of the corporation and of the transfer of
22 Certificate of Convenience and Necessity No. 10124 to the district.

23 (e) On receipt of notice under Subsection (d), the Texas
24 Commission on Environmental Quality shall note in its records that
25 Certificate of Convenience and Necessity No. 10124 is held by the
26 district and shall reissue the certificate in the name of the
27 district without further application or notice. A person does not

1 have a right to protest or request an administrative review of the
2 transfer prescribed by this section.

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

5 [Sections 7211.025-7211.050 reserved for expansion]

6 SUBCHAPTER B. BOARD OF DIRECTORS

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

9 Sec. 7211.052. QUALIFICATIONS FOR DIRECTORS.

10 Notwithstanding Section 65.102, Water Code, to be qualified to
11 serve as a director, a person must be:

12 (1) at least 18 years old;

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

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

16 [Sections 7211.053-7211.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

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

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

27 (b) Chapter 395, Local Government Code, does not apply to

1 the initial water service impact fee set under this section.

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

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

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

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

18 Thence N 13° 50' 52" W for a distance of 3669 ft to the corner
19 of the existing service area;

20 Thence N 55° 53' 36" W for a distance of 3078 ft to the corner
21 of the existing service area;

22 Thence N 03° 43' 56" E for a distance of 2915 ft to the corner
23 of the existing service area;

24 Thence N 37° 33' 01" E for a distance of 1330 ft to the corner
25 of the existing service area;

26 Thence N 61° 52' 09" E for a distance of 11948 ft to a point
27 that bears S 19° 04' 14" E from a tributary junction of Wolf Creek

1 just off Farm to Market Road 224 before it spills into a finger of
2 Lake Livingston;

3 Thence N 32° 31' 31" W for a distance of 6114 ft to a point
4 that bears S 31° 07' 12" E 354 ft from a tributary of Wolf Creek;

5 Thence N 37° 41' 31" E for a distance of 2816 ft to a point at
6 the centerline of Farm to Market Road 224;

7 Thence along the centerline of Farm to Market Road 224
8 heading southeast a distance of 7586 ft until reaching the first
9 major creek which empties into a finger of Lake Livingston;

10 Thence along the before mentioned creek a distance of
11 approximately 182 ft until reaching the shoreline of Lake
12 Livingston;

13 Thence along the southern shoreline of Lake Livingston a
14 distance of approximately 13712 ft until reaching the existing CCN
15 #12983 water service area boundary;

16 Thence S 69° 23' 20" W for a distance of 891 ft along the
17 existing CCN #12983 service area boundary;

18 Thence S 42° 5' 47" W for a distance of 2024 ft along the
19 existing CCN #12983 service area boundary;

20 Thence S 49° 24' 33" E for a distance of 479 ft along the
21 existing CCN #12983 service area boundary;

22 Thence N 47° 34' 28" E for a distance of 493 ft along the
23 existing CCN #12983 service area boundary;

24 Thence S 46° 36' 6" E for a distance of 529 ft along the
25 existing CCN #12983 service area boundary;

26 Thence S 74° 28' 53" E for a distance of 194 ft along the
27 existing CCN #12983 service area boundary;

1 Thence N 17° 31' 54" E for a distance of 207 ft along the
2 existing CCN #12983 service area boundary;

3 Thence S 77° 44' 43" E for a distance of 245 ft along the
4 existing CCN #12983 service area boundary;

5 Thence S 7° 18' 38" E for a distance of 322 ft along the
6 existing CCN #12983 service area boundary;

7 Thence S 73° 4' 43" W for a distance of 103 ft along the
8 existing CCN #12983 service area boundary;

9 Thence S 6° 13' 41" W for a distance of 236 ft along the
10 existing CCN #12983 service area boundary;

11 Thence S 42° 29' 55" E for a distance of 556 ft along the
12 existing CCN #12983 service area boundary;

13 Thence S 30° 43' 48" W for a distance of 512 ft along the
14 existing CCN #12983 service area boundary;

15 Thence S 57° 16' 43" E for a distance of 400 ft along the
16 existing CCN #12983 service area boundary;

17 Thence N 36° 9' 18" E for a distance of 629 ft along the
18 existing CCN #12983 service area boundary;

19 Thence N 43° 6' 01" E for a distance of 609 ft along the
20 existing CCN #12983 service area boundary;

21 Thence N 46° 55' 11" E for a distance of 441 ft along the
22 existing CCN #12983 service area boundary to its intersection with
23 the shoreline of Lake Livingston;

24 Thence along the shoreline of Lake Livingston a distance of
25 approximately 4169 ft until reaching the existing CCN # 12949 water
26 service area boundary;

27 Thence S 14° 30' 58" E for a distance of 912 ft along the

1 existing CCN #12949 service area boundary;

2 Thence S 15° 50' 17" E for a distance of 723 ft along the
3 existing CCN #12949 service area boundary;

4 Thence N 85° 46' 55" E for a distance of 1107 ft along the
5 existing CCN #12949 service area boundary to its intersection with
6 the shoreline of Lake Livingston;

7 Thence southerly along the meandering shoreline of Lake
8 Livingston a distance of approximately 1684 ft to a point for a
9 corner;

10 Thence S 13° 41' 40" E for a distance of 3066 ft to a point at
11 the centerline of Farm to Market Road 3128, this point being 6878 ft
12 from the intersection of Farm to Market Road 3128 and Farm to Market
13 Road 1514;

14 Thence S 16° 10' 04" W for a distance of 7195 ft to a tributary
15 junction of Mill Creek;

16 Thence S 17° 01' 10" E for a distance of 6255 ft to a point on
17 the centerline of Farm to Market Road 222 that is 3453.88 ft from
18 the intersection of State Highway 150 and Farm to Market Road 222;

19 Thence S 52° 57' 27" E for a distance of 13206 ft to a
20 tributary junction of Huffman Creek;

21 Thence S 25° 27' 27" E for a distance of 4429 ft to a point just
22 north of Sheperd Creek;

23 Thence S 36° 41' 46" W for a distance of 5805 ft to a tributary
24 junction of Little Creek;

25 Thence N 77° 7' 51" W for a distance of 9229 ft until crossing
26 a tributary of Henry Lake Branch, then continuing on same bearing a
27 distance of 2550 ft until crossing Henry Lake Branch, then

1 continuing on the same bearing a distance of 4219 ft until crossing
2 Double Lake Branch, then continuing on the same bearing a distance
3 of 7312 ft for a total of 23310 ft to a point just west of Farm to
4 Market Road 2025;

5 Thence N 4° 16' 48" W for a distance of 5765 ft to a point that
6 bears S 13° 20' 14" W 3179 ft from the intersection of Farm to Market
7 Road 2025 and State Highway 150;

8 Thence N 85° 0' 07" W for a distance of 6415 ft to a point on
9 the edge of the existing CCN #12339 service area boundary;

10 Thence N 13° 50' 52" W for a distance of 12667 ft to the place
11 of beginning for a point of closure on Farm to Market Road 945 for
12 the proposed San Jacinto Special Utility District boundary.

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

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

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

26 (d) The general law relating to consent by political
27 subdivisions to the creation of a conservation and reclamation

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

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