

1-1 By: Nichols S.B. No. 853
1-2 (In the Senate - Filed February 23, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 16, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 16, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 853 By: Nichols

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

1-10 relating to the creation, administration, powers, duties,
1-11 functions, operations, and financing of the San Jacinto Special
1-12 Utility District; providing authority to impose a tax and issue
1-13 bonds; granting the power of eminent domain.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subtitle C, Title 6, Special District Local Laws
1-16 Code, is amended by adding Chapter 7211 to read as follows:

1-17 CHAPTER 7211. SAN JACINTO SPECIAL UTILITY DISTRICT

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 7211.001. DEFINITION. In this chapter, "district"
1-20 means the San Jacinto Special Utility District.

1-21 Sec. 7211.002. NATURE OF DISTRICT. The district is a
1-22 special utility district in San Jacinto County created under and
1-23 essential to accomplish the purposes of Section 59, Article XVI,
1-24 Texas Constitution. The district is created to serve a public use
1-25 and benefit.

1-26 Sec. 7211.003. CONFIRMATION ELECTION REQUIRED. If the
1-27 creation of the district is not confirmed at a confirmation and
1-28 initial directors' election held before September 1, 2009:

1-29 (1) the district is dissolved on September 1, 2009,
1-30 except that:

1-31 (A) any debts of the district incurred shall be
1-32 paid;

1-33 (B) any assets of the district that remain after
1-34 the payment of debts shall be transferred to San Jacinto County; and

1-35 (C) the organization of the district shall be
1-36 maintained until all debts are paid and remaining assets are
1-37 transferred; and

1-38 (2) this chapter expires September 1, 2012.

1-39 Sec. 7211.004. APPLICABILITY OF OTHER SPECIAL UTILITY
1-40 DISTRICT LAW. Except as otherwise provided by this chapter,
1-41 Chapters 49 and 65, Water Code, apply to the district.

1-42 Sec. 7211.005. INITIAL DISTRICT TERRITORY. (a) The
1-43 district is initially composed of the territory described by
1-44 Section 2 of the Act creating this chapter.

1-45 (b) The boundaries and field notes contained in Section 2 of
1-46 the Act creating this chapter form a closure. A mistake made in the
1-47 field notes or in copying the field notes in the legislative process
1-48 does not affect:

1-49 (1) the organization, existence, or validity of the
1-50 district;

1-51 (2) the right of the district to issue any type of
1-52 bond, including a refunding bond, for a purpose for which the
1-53 district is created or to pay the principal of and interest on a
1-54 bond; or

1-55 (3) the legality or operation of the district or the
1-56 board of directors of the district.

1-57 [Sections 7211.006-7211.020 reserved for expansion]

1-58 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-59 Sec. 7211.021. TEMPORARY DIRECTORS. (a) The temporary
1-60 board of directors of the district is composed of:

1-61 (1) Billy Weaver;

1-62 (2) Miller Thompson;

1-63 (3) Chuck Mason;

2-1 (4) Dennis Ready; and
 2-2 (5) Phil Runge.
 2-3 (b) Each temporary director shall qualify for office as
 2-4 provided by Section 49.055, Water Code.
 2-5 (c) If a temporary director fails to qualify for office, the
 2-6 temporary directors who have qualified shall appoint a person to
 2-7 fill the vacancy. If at any time there are fewer than four
 2-8 qualified temporary directors, the Texas Commission on
 2-9 Environmental Quality shall appoint the necessary number of
 2-10 directors to fill all vacancies on the board.
 2-11 (d) Temporary directors serve until initial directors are
 2-12 elected under Section 7211.022.
 2-13 (e) As soon as practicable after all the temporary directors
 2-14 have qualified under Section 49.055, Water Code, the temporary
 2-15 directors shall convene the organizational meeting of the district
 2-16 and elect officers from among the temporary directors.
 2-17 Sec. 7211.022. CONFIRMATION AND INITIAL DIRECTORS'
 2-18 ELECTION. (a) The temporary directors shall hold an election to
 2-19 confirm the creation of the district and to elect five initial
 2-20 directors in accordance with Chapters 49 and 65, Water Code, on or
 2-21 before September 1, 2009.
 2-22 (b) The temporary board of directors shall determine the
 2-23 method for determining the initial term of each person on the
 2-24 initial board of directors. The terms must be clearly stated on the
 2-25 ballot for the confirmation and directors' election.
 2-26 (c) Section 41.001(a), Election Code, does not apply to a
 2-27 confirmation election held as provided by this section.
 2-28 (d) Initial directors serve until the first regularly
 2-29 scheduled election of directors under Subchapter C, Chapter 65,
 2-30 Water Code.
 2-31 Sec. 7211.023. TRANSFER OF ASSETS; DISSOLUTION. (a) If
 2-32 the district's creation is confirmed under Section 7211.022, the
 2-33 San Jacinto Water Supply Corporation shall transfer the assets,
 2-34 debts, and contractual rights and obligations of the corporation to
 2-35 the district.
 2-36 (b) Not later than the 30th day after the date of the
 2-37 transfer under Subsection (a), the board of directors of the San
 2-38 Jacinto Water Supply Corporation shall commence dissolution
 2-39 proceedings of the corporation.
 2-40 (c) On dissolution of the San Jacinto Water Supply
 2-41 Corporation, Certificate of Convenience and Necessity No. 10124 is
 2-42 considered to be held by the district.
 2-43 (d) The board of directors of the San Jacinto Water Supply
 2-44 Corporation shall notify the Texas Commission on Environmental
 2-45 Quality of the dissolution of the corporation and of the transfer of
 2-46 Certificate of Convenience and Necessity No. 10124 to the district.
 2-47 (e) On receipt of notice under Subsection (d), the Texas
 2-48 Commission on Environmental Quality shall note in its records that
 2-49 Certificate of Convenience and Necessity No. 10124 is held by the
 2-50 district and shall reissue the certificate in the name of the
 2-51 district without further application or notice. A person does not
 2-52 have a right to protest or request an administrative review of the
 2-53 transfer prescribed by this section.
 2-54 Sec. 7211.024. EXPIRATION OF SUBCHAPTER. This subchapter
 2-55 expires September 1, 2012.
 2-56 [Sections 7211.025-7211.050 reserved for expansion]
 2-57 SUBCHAPTER B. BOARD OF DIRECTORS
 2-58 Sec. 7211.051. DIRECTORS. The district is governed by a
 2-59 board of not fewer than five and not more than 11 directors.
 2-60 Sec. 7211.052. QUALIFICATIONS FOR DIRECTORS.
 2-61 Notwithstanding Section 65.102, Water Code, to be qualified to
 2-62 serve as a director, a person must be:
 2-63 (1) at least 18 years old;
 2-64 (2) a resident citizen of this state; and
 2-65 (3) either a user of the district facilities or a
 2-66 qualified voter of the district.
 2-67 [Sections 7211.053-7211.100 reserved for expansion]
 2-68 SUBCHAPTER C. POWERS AND DUTIES
 2-69 Sec. 7211.101. GENERAL POWERS. The district has all of the

3-1 rights, powers, privileges, functions, and duties provided by the
 3-2 general law of this state, including Chapters 49 and 65, Water Code,
 3-3 applicable to special utility districts created under Section 59,
 3-4 Article XVI, Texas Constitution.

3-5 Sec. 7211.102. WATER SERVICE IMPACT FEE. (a) The district
 3-6 may charge a water service impact fee that is equal to the tap fee
 3-7 charged by the San Jacinto Water Supply Corporation on December 31,
 3-8 2006, under that corporation's tariff.

3-9 (b) Chapter 395, Local Government Code, does not apply to
 3-10 the initial water service impact fee set under this section.

3-11 (c) The district may increase the water service impact fee
 3-12 only as provided by Chapter 395, Local Government Code, or as
 3-13 approved by the Texas Commission on Environmental Quality.

3-14 Sec. 7211.103. LIMIT ON EMINENT DOMAIN POWER. The district
 3-15 may not exercise the power of eminent domain to condemn, for
 3-16 sanitary sewer purposes, land, easements, or other property located
 3-17 outside the boundaries of the district.

3-18 SECTION 2. The San Jacinto Special Utility District
 3-19 initially includes all the territory contained in the following
 3-20 area:

3-21 Being that portion of San Jacinto County, Texas, starting at the
 3-22 intersection of State Highway 156 and Farm to Market Road 945 thence
 3-23 8193 ft west along Farm to Market Road 945 to point of beginning on
 3-24 the existing CCN #10124 service area boundary for the place of
 3-25 beginning of the boundary of the proposed San Jacinto Special
 3-26 Utility District,

3-27 Thence N 13° 50' 52" W for a distance of 3669.69 ft to the corner of
 3-28 the existing service area,

3-29 Thence N 55° 53' 36" W for a distance of 3078.52 ft to the corner of
 3-30 the existing service area,

3-31 Thence N 03° 43' 56" E for a distance of 2915.59 ft to the corner of
 3-32 the existing service area,

3-33 Thence N 38° 33' 01" E for a distance of 1330.62 ft to the corner of
 3-34 the existing service area,

3-35 Thence N 61° 52' 09" E for a distance of 11948.11 ft to a point that
 3-36 bears S 19° 04' 14" E from a tributary junction of Wolf Creek just
 3-37 off Farm to Market Road 224 before it spills into a finger of Lake
 3-38 Livingston,

3-39 Thence N 32° 31' 31" W for a distance of 6113.71 ft to a point that
 3-40 bears S 31° 07' 12" E 354 ft from a tributary of Wolf Creek,

3-41 Thence N 37° 41' 31" E for a distance of 2816.54 ft to a point at the
 3-42 centerline of Farm to Market Road 224,

3-43 Thence along the centerline of Farm to Market Road 224 heading
 3-44 southeast and ending at a bearing and distance of S 27° 32' 53" E
 3-45 7021.30 ft until reaching the first major creek which empties into a
 3-46 finger of Lake Livingston,

3-47 Thence along the before mentioned creek a distance of N 50° 58' 18" E
 3-48 182.24 ft until reaching the shoreline of Lake Livingston,

3-49 Thence along the southern shoreline of Lake Livingston and ending
 3-50 at a bearing and distance of S 76° 26' 6" E 7915.93 ft until reaching
 3-51 the existing CCN #12983 water service area boundary,

3-52 Thence S 69° 23' 20" W for a distance of 891.57 ft along the existing
 3-53 CCN #12983 service area boundary,

3-54 Thence S 42° 5' 47" W for a distance of 2024.50 ft along the existing
 3-55 CCN #12983 service area boundary,

3-56 Thence S 49° 24' 33" E for a distance of 479.12 ft along the existing
 3-57 CCN #12983 service area boundary,

3-58 Thence N 47° 34' 28" E for a distance of 492.90 ft along the existing
 3-59 CCN #12983 service area boundary,

3-60 Thence S 46° 36' 6" E for a distance of 529.35 ft along the existing
 3-61 CCN #12983 service area boundary,

3-62 Thence S 74° 28' 53" E for a distance of 194.19 ft along the existing
 3-63 CCN #12983 service area boundary,

3-64 Thence N 17° 31' 54" E for a distance of 207.05 ft along the existing
 3-65 CCN #12983 service area boundary,

3-66 Thence S 77° 44' 23" E for a distance of 244.67 ft along the existing
 3-67 CCN #12983 service area boundary,

3-68 Thence S 7° 18' 38" E for a distance of 322.27 ft along the existing
 3-69 CCN #12983 service area boundary,

4-1 Thence S 73° 4' 43" W for a distance of 102.90 ft along the existing
 4-2 CCN #12983 service area boundary,
 4-3 Thence S 6° 13' 41" W for a distance of 236.71 ft along the existing
 4-4 CCN #12983 service area boundary,
 4-5 Thence S 42° 29' 55" E for a distance of 556.02 ft along the existing
 4-6 CCN #12983 service area boundary,
 4-7 Thence S 30° 43' 48" W for a distance of 512.62 ft along the existing
 4-8 CCN #12983 service area boundary,
 4-9 Thence S 57° 16' 43" E for a distance of 400.00 ft along the existing
 4-10 CCN #12983 service area boundary,
 4-11 Thence N 36° 9' 18" E for a distance of 629.49 ft along the existing
 4-12 CCN #12983 service area boundary,
 4-13 Thence N 43° 6' 01" E for a distance of 609.60 ft along the existing
 4-14 CCN #12983 service area boundary,
 4-15 Thence N 46° 55' 11" E for a distance of 441.20 ft along the existing
 4-16 CCN #12983 service area boundary to its intersection with the
 4-17 shoreline of Lake Livingston,
 4-18 Thence along the shoreline of Lake Livingston and ending at a
 4-19 bearing and distance of S 84° 57' 55" E 3675.41 ft until reaching the
 4-20 existing CCN # 12949 water service area boundary,
 4-21 Thence S 14° 30' 58" E for a distance of 912.39 ft along the existing
 4-22 CCN #12949 service area boundary,
 4-23 Thence S 15° 50' 17" E for a distance of 723.70 ft along the existing
 4-24 CCN #12949 service area boundary,
 4-25 Thence N 85° 46' 55" E for a distance of 1107.72 ft along the
 4-26 existing CCN #12949 service area boundary to its intersection with
 4-27 the shoreline of Lake Livingston,
 4-28 Thence southerly along the meandering shoreline of Lake Livingston
 4-29 and ending at a bearing and distance of S 27° 01' 47" W 1488.45 ft to
 4-30 a point for a corner,
 4-31 Thence S 13° 41' 40" E for a distance of 3065.65 ft to a point at the
 4-32 centerline of Farm to Market Road 3128, this point being 6878 ft
 4-33 from the intersection of Farm to Market Road 3128 and Farm to Market
 4-34 Road 1514,
 4-35 Thence S 16° 10' 04" W for a distance of 7195.57 ft to a tributary
 4-36 junction of Mill Creek,
 4-37 Thence S 17° 01' 10" E for a distance of 6254.67 ft to a point on the
 4-38 centerline of Farm to Market Road 222 that is 3453.88 ft from the
 4-39 intersection of State Highway 150 and Farm to Market Road 222,
 4-40 Thence S 52° 57' 27" E for a distance of 13205.74 ft to a tributary
 4-41 junction of Huffman Creek,
 4-42 Thence S 25° 27' 27" E for a distance of 4429.67 ft to a point just
 4-43 north of Sheperd Creek,
 4-44 Thence S 36° 41' 46" W for a distance of 5804.93 ft to a tributary
 4-45 junction of Little Creek,
 4-46 Thence N 77° 7' 51" W for a distance of 9229.05 ft until crossing a
 4-47 tributary of Henry Lake Branch, then continuing on same bearing a
 4-48 distance of 2550.39 ft until crossing Henry Lake Branch, then
 4-49 continuing on the same bearing a distance of 4219.11 ft until
 4-50 crossing Double Lake Branch, then continuing on the same bearing a
 4-51 distance of 7312.08 ft for a total of 23310.63 ft to a point just
 4-52 west of Farm to Market Road 2025,
 4-53 Thence N 4° 16' 48" W for a distance of 5765.75 ft to a point that
 4-54 bears S 13° 20' 14" W 3179 ft from the intersection of Farm to Market
 4-55 Road 2025 and State Highway 150,
 4-56 Thence N 85° 0' 07" W for a distance of 6415.42 ft to a point on the
 4-57 edge of the existing CCN #12339 service area boundary,
 4-58 Thence N 13° 50' 52" W for a distance of 12666.89 ft to the place of
 4-59 beginning for a point of closure on Farm to Market Road 945 for the
 4-60 proposed San Jacinto Special Utility District boundary.
 4-61 SECTION 3. (a) The legal notice of the intention to
 4-62 introduce this Act, setting forth the general substance of this
 4-63 Act, has been published as provided by law, and the notice and a
 4-64 copy of this Act have been furnished to all persons, agencies,
 4-65 officials, or entities to which they are required to be furnished
 4-66 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 4-67 Government Code.
 4-68 (b) The governor has submitted the notice and Act to the
 4-69 Texas Commission on Environmental Quality.

5-1 (c) The Texas Commission on Environmental Quality has filed
5-2 its recommendations relating to this Act with the governor,
5-3 lieutenant governor, and speaker of the house of representatives
5-4 within the required time.

5-5 (d) The general law relating to consent by political
5-6 subdivisions to the creation of a conservation and reclamation
5-7 district and the inclusion of land in the district has been complied
5-8 with. All requirements of the constitution and laws of this state
5-9 and the rules and procedures of the legislature with respect to the
5-10 notice, introduction, and passage of this Act are fulfilled and
5-11 accomplished.

5-12 SECTION 4. This Act takes effect immediately if it receives
5-13 a vote of two-thirds of all the members elected to each house, as
5-14 provided by Section 39, Article III, Texas Constitution. If this
5-15 Act does not receive the vote necessary for immediate effect, this
5-16 Act takes effect September 1, 2007.

5-17 * * * * *