

1-1 By: Deuell S.B. No. 1942
1-2 (In the Senate - Filed March 9, 2007; March 22, 2007, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 24, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 24, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1942 By: Wentworth

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

1-10 relating to the creation of the Gastonia-Scurry Special Utility
1-11 District; providing authority to impose taxes and issue bonds;
1-12 granting the power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle C, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 7213 to read as follows:

1-16 CHAPTER 7213. GASTONIA-SCURRY SPECIAL UTILITY DISTRICT

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 7213.001. DEFINITION. In this chapter, "district"
1-19 means the Gastonia-Scurry Special Utility District.

1-20 Sec. 7213.002. NATURE OF DISTRICT. The district is a
1-21 special utility district in Kaufman County created under and
1-22 essential to accomplish the purposes of Section 59, Article XVI,
1-23 Texas Constitution. The district is created to serve a public use
1-24 and benefit.

1-25 Sec. 7213.003. CONFIRMATION ELECTION REQUIRED. If the
1-26 creation of the district is not confirmed at a confirmation and
1-27 initial directors' election held before September 1, 2009:

1-28 (1) the district is dissolved on September 1, 2009,
1-29 except that the district shall:

1-30 (A) pay any debts incurred;
1-31 (B) transfer to Kaufman County any assets of the
1-32 district that remain after the payment of debts; and

1-33 (C) maintain the organization of the district
1-34 until all debts are paid and remaining assets are transferred; and

1-35 (2) this chapter expires September 1, 2012.

1-36 Sec. 7213.004. APPLICABILITY OF OTHER SPECIAL UTILITY
1-37 DISTRICT LAW. Except as otherwise provided by this chapter,
1-38 Chapters 49 and 65, Water Code, apply to the district.

1-39 Sec. 7213.005. INITIAL DISTRICT TERRITORY. (a) The
1-40 district is initially composed of the territory described by
1-41 Section 2 of the Act creating this chapter.

1-42 (b) The boundaries and field notes contained in Section 2 of
1-43 the Act creating this chapter form a closure. A mistake made in the
1-44 field notes or in copying the field notes in the legislative process
1-45 does not affect:

1-46 (1) the organization, existence, or validity of the
1-47 district;

1-48 (2) the right of the district to issue any type of
1-49 bond, including a refunding bond, for a purpose for which the
1-50 district is created or to pay the principal of and interest on a
1-51 bond; or

1-52 (3) the legality or operation of the district or the
1-53 board of directors of the district.

1-54 [Sections 7213.006-7213.020 reserved for expansion]

1-55 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-56 Sec. 7213.021. TEMPORARY DIRECTORS. (a) The temporary
1-57 board of directors of the district is composed of:

- 1-58 (1) Frank Skube;
1-59 (2) Thomas Kintz;
1-60 (3) Rhonda Davenport;
1-61 (4) Carole Giddings;
1-62 (5) Angel McKinnon;
1-63 (6) Roger Brock; and

2-1 (7) Michael Reese.

2-2 (b) Each temporary director shall qualify for office as
 2-3 provided by Section 49.055, Water Code.

2-4 (c) If a temporary director fails to qualify for office, the
 2-5 temporary directors who have qualified shall appoint a person to
 2-6 fill the vacancy. If at any time there are fewer than four
 2-7 qualified temporary directors, the Texas Commission on
 2-8 Environmental Quality shall appoint the necessary number of
 2-9 directors to fill all vacancies on the board.

2-10 (d) Temporary directors serve until initial directors are
 2-11 elected under Section 7213.022.

2-12 (e) As soon as practicable after all the temporary directors
 2-13 have qualified under Section 49.055, Water Code, the temporary
 2-14 directors shall convene the organizational meeting of the district
 2-15 and elect officers from among the temporary directors.

2-16 Sec. 7213.022. CONFIRMATION AND INITIAL DIRECTORS'
 2-17 ELECTION. (a) The temporary directors shall hold an election to
 2-18 confirm the creation of the district and to elect seven initial
 2-19 directors in accordance with Chapters 49 and 65, Water Code, on or
 2-20 before September 1, 2009.

2-21 (b) The temporary board of directors shall determine the
 2-22 method for determining the initial term of each person on the
 2-23 initial board of directors. The terms must be clearly stated on the
 2-24 ballot for the confirmation and directors' election.

2-25 (c) Section 41.001(a), Election Code, does not apply to a
 2-26 confirmation election held as provided by this section.

2-27 (d) Initial directors serve until the first regularly
 2-28 scheduled election of directors under Subchapter C, Chapter 65,
 2-29 Water Code.

2-30 Sec. 7213.023. TRANSFER OF ASSETS; DISSOLUTION. (a) If
 2-31 the district's creation is confirmed under Section 7213.022, the
 2-32 Gastonia-Scurry Water Supply Corporation shall transfer the
 2-33 assets, debts, and contractual rights and obligations of the
 2-34 corporation to the district.

2-35 (b) Not later than the 30th day after the date of the
 2-36 transfer under Subsection (a), the board of directors of the
 2-37 Gastonia-Scurry Water Supply Corporation shall commence
 2-38 dissolution proceedings of the corporation.

2-39 (c) On dissolution of the Gastonia-Scurry Water Supply
 2-40 Corporation, Certificate of Convenience and Necessity No. 10837 is
 2-41 considered to be held by the district.

2-42 (d) The board of directors of the Gastonia-Scurry Water
 2-43 Supply Corporation shall notify the Texas Commission on
 2-44 Environmental Quality of the dissolution of the corporation and of
 2-45 the transfer of Certificate of Convenience and Necessity No. 10837
 2-46 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. 10837 is held by the
 2-50 district and shall reissue the certificate in the name of the
 2-51 district without further application, notice, or hearing. A person
 2-52 does not have a right to protest or request an administrative review
 2-53 of the transfer prescribed by this section.

2-54 Sec. 7213.024. EXPIRATION OF SUBCHAPTER. This subchapter
 2-55 expires September 1, 2012.

2-56 [Sections 7213.025-7213.050 reserved for expansion]

2-57 SUBCHAPTER B. BOARD OF DIRECTORS

2-58 Sec. 7213.051. DIRECTORS. The district is governed by a
 2-59 board of not fewer than 5 and not more than 11 directors.

2-60 [Sections 7213.052-7213.100 reserved for expansion]

2-61 SUBCHAPTER C. POWERS AND DUTIES

2-62 Sec. 7213.101. GENERAL POWERS. Except as otherwise
 2-63 provided by this chapter, the district has all of the rights,
 2-64 powers, privileges, functions, and duties provided by the general
 2-65 law of this state, including Chapters 49 and 65, Water Code,
 2-66 applicable to special utility districts created under Section 59,
 2-67 Article XVI, Texas Constitution.

2-68 Sec. 7213.102. WATER SERVICE IMPACT FEE. (a) The district
 2-69 may charge a water service impact fee that is not greater than the

3-1 equity buy-in fee charged by the Gastonia-Scurry Water Supply
3-2 Corporation on December 31, 2006, under that corporation's tariff.

3-3 (b) Chapter 395, Local Government Code, does not apply to
3-4 the initial water service impact fee set under this section.

3-5 (c) The district may increase the water service impact fee
3-6 only as provided by Chapter 395, Local Government Code, or as
3-7 approved by the Texas Commission on Environmental Quality.

3-8 SECTION 2. The Gastonia-Scurry Special Utility District
3-9 initially includes all the territory contained in the following
3-10 area:

3-11 BEING that portion of Kaufman County, Texas, which has a boundary
3-12 more particularly described as follows:

3-13 Being a boundary comprised of three tracts, located in Kaufman
3-14 County, Texas, set forth in and described as follows:

3-15 Tract 1

3-16 BEGINNING at the southernmost point of the Gastonia Scurry Water
3-17 Supply Corporation CCN No. 10837 boundary, being S 26° 22' 32" E
3-18 16,233.35 feet from the intersection of County Road 2451 and
3-19 Highway 34;

- 3-20 Thence N 82° 42' 40" W 12101.18 ft. for a point for corner;
- 3-21 Thence generally S 62° 32' 13" W 734.23 ft. meandering up Trinity
- 3-22 River for a point for corner;
- 3-23 Thence generally N 79° 37' 45" W 1880.96 ft. meandering up Trinity
- 3-24 River for a point for corner;
- 3-25 Thence generally N 57° 47' 01" W 7084.43 ft. meandering up Trinity
- 3-26 River for a point for corner;
- 3-27 Thence generally N 30° 28' 40" W 4110.34 ft. meandering up Trinity
- 3-28 River for a point for corner;
- 3-29 Thence generally N 36° 52' 59" E 911.81 ft. meandering up Trinity
- 3-30 River for a point for corner;
- 3-31 Thence generally N 10° 40' 29" W 1828.90 ft. meandering up Trinity
- 3-32 River for a point for corner;
- 3-33 Thence generally N 81° 52' 26" W 737.07 ft. meandering up Trinity
- 3-34 River for a point for corner;
- 3-35 Thence generally S 59° 02' 54" W 607.73 ft. meandering up Trinity
- 3-36 River for a point for corner;
- 3-37 Thence generally N 73° 49' 37" W 3328.45 ft. meandering up Trinity
- 3-38 River for a point for corner;
- 3-39 Thence generally N 47° 32' 50" E 2083.82 ft. meandering up Trinity
- 3-40 River for a point for corner;
- 3-41 Thence generally N 17° 02' 44" W 1689.12 ft. meandering up Trinity
- 3-42 River for a point for corner;
- 3-43 Thence generally N 22° 58' 25" E 1669.17 ft. meandering up Trinity
- 3-44 River for a point for corner;
- 3-45 Thence generally N 38° 03' 38" W 760.87 ft. meandering up Trinity
- 3-46 River for a point for corner;
- 3-47 Thence generally N 70° 41' 08" W 2126.27 ft. meandering up Trinity
- 3-48 River for a point for corner;
- 3-49 Thence generally N 26° 16' 39" W 2236.77 ft. meandering up Trinity
- 3-50 River for a point for corner;
- 3-51 Thence generally N 11° 18' 55" E 531.27 ft. meandering up Trinity
- 3-52 River for a point for corner;
- 3-53 Thence generally N 36° 52' 59" W 1693.35 ft. meandering up Trinity
- 3-54 River for a point for corner;
- 3-55 Thence generally N 81° 01' 54" W 501.26 ft. meandering up Trinity
- 3-56 River for a point for corner;
- 3-57 Thence generally N 32° 09' 53" W 1076.93 ft. meandering up Trinity
- 3-58 River for a point for corner;
- 3-59 Thence generally N 51° 02' 48" E 2278.70 ft. meandering up Trinity
- 3-60 River for a point for corner;
- 3-61 Thence generally N 82° 52' 42" E 840.39 ft. meandering up Trinity
- 3-62 River for a point for corner;
- 3-63 Thence generally N 4° 54' 05" W 914.99 ft. meandering up Trinity
- 3-64 River for a point for corner;
- 3-65 Thence generally N 84° 17' 32" W 1309.48 ft. meandering up Trinity
- 3-66 River for a point for corner;
- 3-67 Thence generally N 42° 48' 15" W 843.67 ft. meandering up Trinity
- 3-68 River for a point for corner;
- 3-69 Thence generally N 08° 45' 01" W 685.20 ft. meandering up Trinity

4-1 River for a point for corner;
 4-2 Thence generally N 34° 55' 57" E 1683.88 ft. meandering up Trinity
 4-3 River for a point for corner;
 4-4 Thence generally N 70° 01' 33" E 305.00 ft. meandering up Trinity
 4-5 River for a point for corner;
 4-6 Thence generally S 05° 21' 30" E 837.16 ft. meandering up Trinity
 4-7 River for a point for corner;
 4-8 Thence generally S 55° 08' 16" E 1048.07 ft. meandering up Trinity
 4-9 River for a point for corner;
 4-10 Thence generally N 33° 42' 10" E 751.42 ft. meandering up Trinity
 4-11 River for a point for corner;
 4-12 Thence generally N 03° 05' 44" W 965.15 ft. meandering up Trinity
 4-13 River for a point for corner;
 4-14 Thence generally S 74° 03' 43" E 1138.26 ft. meandering up Trinity
 4-15 River for a point for corner;
 4-16 Thence generally N 78° 12' 44" E 4845.04 ft. meandering up Trinity
 4-17 River for a point for corner;
 4-18 Thence generally N 28° 15' 41" E 1981.33 ft. meandering up Trinity
 4-19 River for a point for corner;
 4-20 Thence generally N 05° 06' 17" W 1464.44 ft. meandering up Trinity
 4-21 River for a point for corner;
 4-22 Thence generally N 38° 52' 53" W 2241.84 ft. meandering up Trinity
 4-23 River for a point for corner;
 4-24 Thence generally N 02° 29' 27" E 2998.24 ft. meandering up Trinity
 4-25 River for a point for corner;
 4-26 Thence generally N 30° 01' 12" E 6523.79 ft. meandering up Trinity
 4-27 River for a point for corner;
 4-28 Thence generally N 04° 34' 34" E 4572.81 ft. meandering up Trinity
 4-29 River for a point for corner;
 4-30 Thence generally N 19° 59' 31" W 2134.23 ft. meandering up Trinity
 4-31 River for a point for corner;
 4-32 Thence generally N 19° 50' 27" E 1689.14 ft. meandering up Trinity
 4-33 River for a point for corner;
 4-34 Thence generally N 21° 43' 38" W 3308.61 ft. meandering up Trinity
 4-35 River for a point for corner;
 4-36 Thence N 46° 13' 58" E 1732.13 ft. for a point for corner;
 4-37 Thence N 44° 16' 11" W 2837.29 f ft. or a point for corner;
 4-38 Thence N 15° 27' 05" W 1074.13 ft. for a point for corner;
 4-39 Thence N 45° 31' 24" E 14499.15 ft. for a point for corner;
 4-40 Thence S 70° 21' 18" E 774.77 ft. for a point for corner;
 4-41 Thence N 45° 00' 50" E 884.28 ft. for a point for corner;
 4-42 Thence S 46° 24' 20" E 2835.40 ft. for a point for corner;
 4-43 Thence N 43° 13' 55" E 4147.01 ft. for a point for corner;
 4-44 Thence S 44° 06' 42" E 4679.86 ft. for a point for corner;
 4-45 Thence N 44° 47' 00" E 5442.90 ft. for a point for corner;
 4-46 Thence N 87° 57' 20" E 730.13 ft. for a point for corner;
 4-47 Thence N 45° 00' 50" E 3389.74 ft. for a point for corner;
 4-48 Thence N 00° 00' 00" E 4896.85 ft. for a point for corner;
 4-49 Thence N 88° 14' 51" W 2555.04 ft. for a point for corner;
 4-50 Thence N 58° 00' 25" W 245.81 ft. for a point for corner;
 4-51 Thence N 43° 36' 32" W 3476.83 ft. for a point for corner;
 4-52 Thence N 46° 59' 20" E 534.58 ft. for a point for corner;
 4-53 Thence N 47° 08' 06" W 1991.03 ft. for a point for corner;
 4-54 Thence N 45° 00' 50" E 2579.15 ft. for a point for corner;
 4-55 Thence N 44° 31' 42" W 4347.85 ft. for a point for corner;
 4-56 Thence N 47° 16' 52" E 3724.33 ft. for a point for corner;
 4-57 Thence S 47° 18' 16" E 1382.82 ft. for a point for corner;
 4-58 Thence N 43° 24' 28" E 1971.96 ft. for a point for corner (being
 4-59 defined as Point No. 68);
 4-60 Thence generally S 45° 07' 06" E 10113.98 ft. meandering up Big
 4-61 Brushy for a point for corner;
 4-62 Thence generally S 12° 12' 22" W 986.03 ft. meandering up Big Brushy
 4-63 for a point for corner;
 4-64 Thence generally S 15° 57' 10" E 568.90 ft. meandering up Big Brushy
 4-65 for a point for corner;
 4-66 Thence generally S 45° 00' 50" E 700.06 ft. meandering up Big Brushy
 4-67 for a point for corner;
 4-68 Thence generally S 12° 29' 06" E 3254.71 ft. meandering up Big Brushy
 4-69 for a point for corner;

- 5-1 Thence generally S27° 05' 00" W 1316.48 ft. meandering up Big Brushy
- 5-2 for a point for corner;
- 5-3 Thence generally S 10° 24' 45" E 1297.68 ft. meandering up Big Brushy
- 5-4 for a point for corner;
- 5-5 Thence generally S 19° 24' 23" E 1960.74 ft. meandering up Big Brushy
- 5-6 for a point for corner;
- 5-7 Thence generally S 23° 47' 16" E 3181.26 ft. meandering up Big Brushy
- 5-8 for a point for corner;
- 5-9 Thence generally S 01° 07' 26" E 1328.66 ft. meandering up Big Brushy
- 5-10 for a point for corner;
- 5-11 Thence generally S 29° 12' 33" E 1014.62 ft. meandering up Big Brushy
- 5-12 for a point for corner;
- 5-13 Thence generally S 08° 32' 05" W 526.78 ft. meandering up Big Brushy
- 5-14 for a point for corner;
- 5-15 Thence generally S 62° 06' 51" W 501.21 ft. meandering up Big Brushy
- 5-16 for a point for corner;
- 5-17 Thence generally S 17° 45' 10" E 1367.47 ft. meandering up Big Brushy
- 5-18 for a point for corner;
- 5-19 Thence generally S 34° 29' 32" E 2623.02 ft. meandering up Big Brushy
- 5-20 for a point for corner;
- 5-21 Thence generally S 42° 53' 34" E 497.74 ft. meandering up Big Brushy
- 5-22 for a point for corner;
- 5-23 Thence S 83° 27' 25" E 1600.06 ft. for a point for corner;
- 5-24 Thence N 18° 18' 50" E 3649.09 ft. for a point for corner;
- 5-25 Thence N 34° 13' 43" W 1575.17 ft. for a point for corner;
- 5-26 Thence S 75° 12' 36" W 1428.49 ft. for a point for corner;
- 5-27 Thence N 14° 02' 34" W 536.99 ft. for a point for corner;
- 5-28 Thence N 75° 58' 13" E 2578.65 ft. for a point for corner;
- 5-29 Thence N 43° 53' 26" E 1879.44 ft. for a point for corner;
- 5-30 Thence S 29° 29' 16" E 688.24 ft. for a point for corner;
- 5-31 Thence S 17° 35' 16" W 2759.76 ft. for a point for corner;
- 5-32 Thence S 31° 26' 31" E 549.54 ft. for a point for corner;
- 5-33 Thence S 43° 09' 58" E 1714.16 ft. for a point for corner;
- 5-34 Thence S 48° 22' 49" W 627.47 ft. for a point for corner;
- 5-35 Thence S 37° 14' 53" E 818.04 ft. for a point for corner;
- 5-36 Thence N 46° 20' 46" E 792.39 ft. for a point for corner;
- 5-37 Thence S 47° 44' 24" E 387.32 ft. for a point for corner;
- 5-38 Thence S 45° 55' 24" W 1160.77 ft. for a point for corner;
- 5-39 Thence N 46° 48' 13" W 1179.63 ft. for a point for corner;
- 5-40 Thence S 45° 00' 50" W 1031.66 ft. for a point for corner;
- 5-41 Thence N 86° 25' 31" W 417.77 ft. for a point for corner;
- 5-42 Thence N 20° 33' 55" W 445.12 ft. for a point for corner;
- 5-43 Thence S 15° 46' 10" W 3356.15 ft. for a point for corner;
- 5-44 Thence S 80° 10' 16" E 3967.18 ft. for a point for corner;
- 5-45 Thence S 06° 10' 23" W 969.36 ft. for a point for corner;
- 5-46 Thence S 88° 48' 25" W 1251.13 ft. for a point for corner;
- 5-47 Thence N 78° 07' 01" W 4047.81 ft. for a point for corner;
- 5-48 Thence S 45° 50' 25" W 9670.86 ft. for a point for corner;
- 5-49 Thence S 11° 56' 22" E 12363.66 ft. for a point for corner;
- 5-50 Thence S 53° 32' 53" E 16243.50 ft. for a point for corner;
- 5-51 Thence S 28° 06' 19" E 8297.65 ft. for a point for corner;
- 5-52 Thence S 01° 19' 29" W 7837.10 ft. for a point for corner;
- 5-53 Thence S 39° 17' 25" W 8312.75 ft. for a point for corner;
- 5-54 Thence N 85° 36' 31" W 5553.17 ft. for a point for corner;
- 5-55 Thence S 55° 43' 52" W 22389.01 ft. to PLACE OF BEGINNING.
- 5-56 Also including;
- 5-57 Tract Two
- 5-58 BEGINNING at the west corner of this tract N 45° 52' 54" E 3325.19
- 5-59 feet from the previously defined Point No. 68;
- 5-60 Thence N 45° 52' 54" E 3325.19 ft. for a point for corner;
- 5-61 Thence S 46° 52' 51" E 5823.43 ft. for a point for corner;
- 5-62 Thence N 45° 00' 50" E 901.59 ft. for a point for corner;
- 5-63 Thence N 14° 56' 18" W 1060.17 ft. for a point for corner (being
- 5-64 defined as Point No. 122);
- 5-65 Thence N 45° 12' 11" W 4878.30 ft. for a point for corner;
- 5-66 Thence S 45° 52' 54" W 1606.72 ft. for a point being the PLACE OF
- 5-67 BEGINNING.
- 5-68 Also including;
- 5-69 Tract Three

6-1 Beginning at the south corner of this tract N 53° 08' 36" W 2390.87
6-2 feet from the previously defined Point No. 122
6-3 Thence N 53° 08' 36" W 2390.87 ft. for a point for corner;
6-4 Thence N 39° 49' 09" W 355.64 ft. for a point for corner;
6-5 Thence N 42° 00' 03" E 306.31 ft. for a point for corner;
6-6 Thence N 59° 02' 54" W 2257.23 ft. for a point for corner;
6-7 Thence N 40° 49' 44" E 661.84 ft. for a point for corner;
6-8 Thence N 59° 36' 04" W 2429.18 ft. for a point for corner;
6-9 Thence N 46° 12' 56" E 2302.81 ft. for a point for corner;
6-10 Thence N 87° 08' 20" E 456.05 ft. for a point for corner;
6-11 Thence S 38° 40' 24" E 291.57 ft. for a point for corner;
6-12 Thence N 90° 00' 00" E 364.39 ft. for a point for corner;
6-13 Thence S 42° 17' 15" E 4061.68 ft. for a point for corner;
6-14 Thence S 45° 00' 58" W 2511.58 ft. ending at PLACE OF BEGINNING.

6-15 SECTION 3. (a) The legal notice of the intention to
6-16 introduce this Act, setting forth the general substance of this
6-17 Act, has been published as provided by law, and the notice and a
6-18 copy of this Act have been furnished to all persons, agencies,
6-19 officials, or entities to which they are required to be furnished
6-20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-21 Government Code.

6-22 (b) The governor has submitted the notice and Act to the
6-23 Texas Commission on Environmental Quality.

6-24 (c) The Texas Commission on Environmental Quality has filed
6-25 its recommendations relating to this Act with the governor,
6-26 lieutenant governor, and speaker of the house of representatives
6-27 within the required time.

6-28 (d) The general law relating to consent by political
6-29 subdivisions to the creation of a conservation and reclamation
6-30 district and the inclusion of land in the district has been complied
6-31 with. All requirements of the constitution and laws of this state
6-32 and the rules and procedures of the legislature with respect to the
6-33 notice, introduction, and passage of this Act are fulfilled and
6-34 accomplished.

6-35 SECTION 4. This Act takes effect immediately if it receives
6-36 a vote of two-thirds of all the members elected to each house, as
6-37 provided by Section 39, Article III, Texas Constitution. If this
6-38 Act does not receive the vote necessary for immediate effect, this
6-39 Act takes effect September 1, 2007.

6-40 * * * * *