

1-1 By: Hegar S.B. No. 564
 1-2 (In the Senate - Filed February 14, 2013; February 20, 2013,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; March 18, 2013, reported favorably by the following
 1-5 vote: Yeas 5, Nays 0; March 18, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to the creation of the Harris County Municipal Utility
 1-16 District No. 536; providing authority to impose a tax and issue
 1-17 bonds; granting a limited power of eminent domain.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-20 Code, is amended by adding Chapter 8436 to read as follows:

1-21 CHAPTER 8436. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 536

1-22 SUBCHAPTER A. GENERAL PROVISIONS

1-23 Sec. 8436.001. DEFINITIONS. In this chapter:

1-24 (1) "Board" means the district's board of directors.

1-25 (2) "Commission" means the Texas Commission on
 1-26 Environmental Quality.

1-27 (3) "Director" means a board member.

1-28 (4) "District" means the Harris County Municipal
 1-29 Utility District No. 536.

1-30 Sec. 8436.002. NATURE OF DISTRICT. The district is a
 1-31 municipal utility district created under Section 59, Article XVI,
 1-32 Texas Constitution.

1-33 Sec. 8436.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-34 REQUIRED. The temporary directors shall hold an election to
 1-35 confirm the creation of the district and to elect five permanent
 1-36 directors as provided by Section 49.102, Water Code.

1-37 Sec. 8436.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-38 temporary directors may not hold an election under Section 8436.003
 1-39 until each municipality in whose corporate limits or
 1-40 extraterritorial jurisdiction the district is located has
 1-41 consented by ordinance or resolution to the creation of the
 1-42 district and to the inclusion of land in the district.

1-43 Sec. 8436.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-44 (a) The district is created to serve a public purpose and benefit.

1-45 (b) The district is created to accomplish the purposes of:

1-46 (1) a municipal utility district as provided by
 1-47 general law and Section 59, Article XVI, Texas Constitution; and

1-48 (2) Section 52, Article III, Texas Constitution, that
 1-49 relate to the construction, acquisition, improvement, operation,
 1-50 or maintenance of macadamized, graveled, or paved roads, or
 1-51 improvements, including storm drainage, in aid of those roads.

1-52 Sec. 8436.006. INITIAL DISTRICT TERRITORY. (a) The
 1-53 district is initially composed of the territory described by
 1-54 Section 2 of the Act enacting this chapter.

1-55 (b) The boundaries and field notes contained in Section 2 of
 1-56 the Act enacting this chapter form a closure. A mistake made in the
 1-57 field notes or in copying the field notes in the legislative process
 1-58 does not affect the district's:

1-59 (1) organization, existence, or validity;

1-60 (2) right to issue any type of bond for the purposes
 1-61 for which the district is created or to pay the principal of and

2-1 interest on a bond;

2-2 (3) right to impose a tax; or

2-3 (4) legality or operation.

2-4 SUBCHAPTER B. BOARD OF DIRECTORS

2-5 Sec. 8436.051. GOVERNING BODY; TERMS. (a) The district is
 2-6 governed by a board of five elected directors.

2-7 (b) Except as provided by Section 8436.052, directors serve
 2-8 staggered four-year terms.

2-9 Sec. 8436.052. TEMPORARY DIRECTORS. (a) On or after the
 2-10 effective date of the Act enacting this chapter, the owner or owners
 2-11 of a majority of the assessed value of the real property in the
 2-12 district may submit a petition to the commission requesting that
 2-13 the commission appoint as temporary directors the five persons
 2-14 named in the petition. The commission shall appoint as temporary
 2-15 directors the five persons named in the petition.

2-16 (b) Temporary directors serve until the earlier of:

2-17 (1) the date permanent directors are elected under
 2-18 Section 8436.003; or

2-19 (2) the fourth anniversary of the effective date of
 2-20 the Act enacting this chapter.

2-21 (c) If permanent directors have not been elected under
 2-22 Section 8436.003 and the terms of the temporary directors have
 2-23 expired, successor temporary directors shall be appointed or
 2-24 reappointed as provided by Subsection (d) to serve terms that
 2-25 expire on the earlier of:

2-26 (1) the date permanent directors are elected under
 2-27 Section 8436.003; or

2-28 (2) the fourth anniversary of the date of the
 2-29 appointment or reappointment.

2-30 (d) If Subsection (c) applies, the owner or owners of a
 2-31 majority of the assessed value of the real property in the district
 2-32 may submit a petition to the commission requesting that the
 2-33 commission appoint as successor temporary directors the five
 2-34 persons named in the petition. The commission shall appoint as
 2-35 successor temporary directors the five persons named in the
 2-36 petition.

2-37 SUBCHAPTER C. POWERS AND DUTIES

2-38 Sec. 8436.101. GENERAL POWERS AND DUTIES. The district has
 2-39 the powers and duties necessary to accomplish the purposes for
 2-40 which the district is created.

2-41 Sec. 8436.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-42 DUTIES. The district has the powers and duties provided by the
 2-43 general law of this state, including Chapters 49 and 54, Water Code,
 2-44 applicable to municipal utility districts created under Section 59,
 2-45 Article XVI, Texas Constitution.

2-46 Sec. 8436.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-47 52, Article III, Texas Constitution, the district may design,
 2-48 acquire, construct, finance, issue bonds for, improve, operate,
 2-49 maintain, and convey to this state, a county, or a municipality for
 2-50 operation and maintenance macadamized, graveled, or paved roads, or
 2-51 improvements, including storm drainage, in aid of those roads.

2-52 Sec. 8436.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-53 road project must meet all applicable construction standards,
 2-54 zoning and subdivision requirements, and regulations of each
 2-55 municipality in whose corporate limits or extraterritorial
 2-56 jurisdiction the road project is located.

2-57 (b) If a road project is not located in the corporate limits
 2-58 or extraterritorial jurisdiction of a municipality, the road
 2-59 project must meet all applicable construction standards,
 2-60 subdivision requirements, and regulations of each county in which
 2-61 the road project is located.

2-62 (c) If the state will maintain and operate the road, the
 2-63 Texas Transportation Commission must approve the plans and
 2-64 specifications of the road project.

2-65 Sec. 8436.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-66 OR RESOLUTION. The district shall comply with all applicable
 2-67 requirements of any ordinance or resolution that is adopted under
 2-68 Section 54.016 or 54.0165, Water Code, and that consents to the
 2-69 creation of the district or to the inclusion of land in the

3-1 district.

3-2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-3 Sec. 8436.151. ELECTIONS REGARDING TAXES OR BONDS.

3-4 (a) The district may issue, without an election, bonds and other
3-5 obligations secured by:

3-6 (1) revenue other than ad valorem taxes; or

3-7 (2) contract payments described by Section 8436.153.

3-8 (b) The district must hold an election in the manner
3-9 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-10 before the district may impose an ad valorem tax or issue bonds
3-11 payable from ad valorem taxes.

3-12 (c) The district may not issue bonds payable from ad valorem
3-13 taxes to finance a road project unless the issuance is approved by a
3-14 vote of a two-thirds majority of the district voters voting at an
3-15 election held for that purpose.

3-16 Sec. 8436.152. OPERATION AND MAINTENANCE TAX. (a) If
3-17 authorized at an election held under Section 8436.151, the district
3-18 may impose an operation and maintenance tax on taxable property in
3-19 the district in accordance with Section 49.107, Water Code.

3-20 (b) The board shall determine the tax rate. The rate may not
3-21 exceed the rate approved at the election.

3-22 Sec. 8436.153. CONTRACT TAXES. (a) In accordance with
3-23 Section 49.108, Water Code, the district may impose a tax other than
3-24 an operation and maintenance tax and use the revenue derived from
3-25 the tax to make payments under a contract after the provisions of
3-26 the contract have been approved by a majority of the district voters
3-27 voting at an election held for that purpose.

3-28 (b) A contract approved by the district voters may contain a
3-29 provision stating that the contract may be modified or amended by
3-30 the board without further voter approval.

3-31 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-32 Sec. 8436.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-33 OBLIGATIONS. The district may issue bonds or other obligations
3-34 payable wholly or partly from ad valorem taxes, impact fees,
3-35 revenue, contract payments, grants, or other district money, or any
3-36 combination of those sources, to pay for any authorized district
3-37 purpose.

3-38 Sec. 8436.202. TAXES FOR BONDS. At the time the district
3-39 issues bonds payable wholly or partly from ad valorem taxes, the
3-40 board shall provide for the annual imposition of a continuing
3-41 direct ad valorem tax, without limit as to rate or amount, while all
3-42 or part of the bonds are outstanding as required and in the manner
3-43 provided by Sections 54.601 and 54.602, Water Code.

3-44 Sec. 8436.203. BONDS FOR ROAD PROJECTS. At the time of
3-45 issuance, the total principal amount of bonds or other obligations
3-46 issued or incurred to finance road projects and payable from ad
3-47 valorem taxes may not exceed one-fourth of the assessed value of the
3-48 real property in the district.

3-49 SECTION 2. The Harris County Municipal Utility District No.
3-50 536 initially includes all the territory contained in the following
3-51 area:

3-52 386.04 ACRES OF LAND SITUATED IN THE M.L. SPENCER SURVEY,
3-53 ABSTRACT NO. 1455 AND THE MRS. M.L. JONES SURVEY, ABSTRACT NO. 1339
3-54 (H. & T.C .R.R. CO. SURVEY, SECTION NO. 62), HARRIS COUNTY, TEXAS,
3-55 BEING THE COMBINATION OF THOSE TWO CERTAIN TRACTS OF LAND CALLED FOR
3-56 AND DESCRIBED AS BEING 315.63 ACRES BY DEED RECORDED UNDER HARRIS
3-57 COUNTY CLERK'S FILE (H.C.C.F.) NO. 20120550787 AND 70.41 ACRES BY
3-58 DEED RECORDED UNDER H.C.C.F. NO. 20120593453, THE SAID 386.04 ACRES
3-59 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS,
3-60 BASED ON THE CALLS WITHIN THE AFOREMENTIONED DEEDS (WITH BEARINGS
3-61 BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, SOUTH CENTRAL
3-62 ZONE, AS DETERMINED BY GPS MEASUREMENTS, AS STATED IN THE
3-63 AFOREMENTIONED DEEDS):

3-64 BEGINNING at a point marking the northwesterly corner of the
3-65 said H. & T.C.C. R.R. Co. Survey, Section 62, the northeasterly
3-66 corner of the H. & T. C.C. R.R. Co. Survey, Abstract No. 452,
3-67 southeasterly corner of the H. & T. C.C. R.R. Co. Survey, Abstract
3-68 No. 453 and the southwesterly corner of the H. & T. C.C. R.R. Co.
3-69 Survey, Abstract No. 450, being in the intersection of Katy-Hockley

4-1 Cut-Off Road (called 60-foot wide at present) and Clay Road (called
4-2 60-foot wide at present) and marking the northwesterly corner of
4-3 the called 315.63 acre tract of land;

4-4 THENCE, North 88°05'31" East, along the common line of the
4-5 said H. & T.C.C. R.R. Co. Survey, Section 62 and the H. & T. C.C.
4-6 R.R. Co. Survey, Abstract No. 450, same being the north line of the
4-7 aforementioned M.L. Spencer Survey, Abstract No. 1455, for a
4-8 distance of 2,628.13 feet to a point for corner, being the northerly
4-9 common corner of the said M.L. Spencer Survey and the
4-10 aforementioned Mrs. M.L. Jones Survey, Abstract No. 1339;

4-11 THENCE, South 01°55'49" East, along the common line of the
4-12 said M.L. Spencer Survey and the Mrs. M.L. Jones Survey for a
4-13 distance of 1,373.78 feet to a point for corner;

4-14 THENCE, North 88°04'27" East, a distance of 324.32 feet to a
4-15 point for corner marking the southwesterly corner of the called
4-16 70.41 acre tract of land;

4-17 THENCE, North 01°55'47" West, a distance of 1,343.75 feet to a
4-18 point for corner in the southerly right-of-way line of the
4-19 aforementioned Clay Road;

4-20 THENCE, North 88°04'27" East, along the southerly
4-21 right-of-way line of Clay Road, a distance of 2,282.44 feet to a
4-22 point for corner at the intersection with the westerly right-of-way
4-23 line of Porter Road (called 60-foot wide at present);

4-24 THENCE, South 01°55'33" East, along the westerly
4-25 right-of-way line of Porter Road, a distance of 1,343.75 feet to a
4-26 point for corner;

4-27 THENCE, South 01°56'43" East, continuing along westerly
4-28 right-of-way line of Porter Road, a distance of 1,269.46 feet to a
4-29 point for corner;

4-30 THENCE, South 88°04'27" West, a distance of 2,607.00 feet to
4-31 a point for corner in the common line of the said M.L. Spencer
4-32 Survey and the Mrs. M.L. Jones Survey;

4-33 THENCE, South 01°55'49" East, along the common line of the
4-34 said M.L. Spencer Survey and the Mrs. M.L. Jones Survey for a
4-35 distance of 1,321.82 feet to a point for corner;

4-36 THENCE, South 88°03'16" West, a distance of 2,636.56 feet to
4-37 a point for corner being in the westerly line of the said M.L.
4-38 Spencer Survey, same being the said H. & T.C.C. R.R. Co. Survey,
4-39 Section 62, and the easterly line of the said H. & T.C.C. R.R. Co.
4-40 Survey, Abstract No. 452;

4-41 THENCE, North 01°48'31" West, along the common line of the
4-42 said M.L. Spencer Survey and the H. & T. C.C. R.R. Co. Survey,
4-43 Abstract No. 452, a distance of 3,966.80 feet to the POINT OF
4-44 BEGINNING and containing 386.04 acres of land.

4-45 SECTION 3. (a) The legal notice of the intention to
4-46 introduce this Act, setting forth the general substance of this
4-47 Act, has been published as provided by law, and the notice and a
4-48 copy of this Act have been furnished to all persons, agencies,
4-49 officials, or entities to which they are required to be furnished
4-50 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-51 Government Code.

4-52 (b) The governor, one of the required recipients, has
4-53 submitted the notice and Act to the Texas Commission on
4-54 Environmental Quality.

4-55 (c) The Texas Commission on Environmental Quality has filed
4-56 its recommendations relating to this Act with the governor, the
4-57 lieutenant governor, and the speaker of the house of
4-58 representatives within the required time.

4-59 (d) All requirements of the constitution and laws of this
4-60 state and the rules and procedures of the legislature with respect
4-61 to the notice, introduction, and passage of this Act are fulfilled
4-62 and accomplished.

4-63 SECTION 4. (a) If this Act does not receive a two-thirds
4-64 vote of all the members elected to each house, Subchapter C, Chapter
4-65 8436, Special District Local Laws Code, as added by Section 1 of
4-66 this Act, is amended by adding Section 8436.106 to read as follows:

4-67 Sec. 8436.106. NO EMINENT DOMAIN POWER. The district may
4-68 not exercise the power of eminent domain.

4-69 (b) This section is not intended to be an expression of a

5-1 legislative interpretation of the requirements of Subsection (c),
5-2 Section 17, Article I, Texas Constitution.

5-3 SECTION 5. This Act takes effect immediately if it receives
5-4 a vote of two-thirds of all the members elected to each house, as
5-5 provided by Section 39, Article III, Texas Constitution. If this
5-6 Act does not receive the vote necessary for immediate effect, this
5-7 Act takes effect September 1, 2013.

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