

1-1 By: Zaffirini, Campbell S.B. No. 1903  
1-2 (In the Senate - Filed April 17, 2013; April 18, 2013, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 29, 2013, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; April 29, 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 LaSalle Municipal Utility District  
1-16 No. 5; granting a limited power of eminent domain; providing  
1-17 authority to issue bonds; providing authority to impose  
1-18 assessments, fees, or taxes.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-20 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-21 Code, is amended by adding Chapter 8476 to read as follows:

1-22 CHAPTER 8476. LASALLE MUNICIPAL UTILITY DISTRICT NO. 5

1-23 SUBCHAPTER A. GENERAL PROVISIONS

1-24 Sec. 8476.001. DEFINITIONS. In this chapter:

1-25 (1) "Board" means the district's board of directors.

1-26 (2) "Commission" means the Texas Commission on  
1-27 Environmental Quality.

1-28 (3) "Director" means a board member.

1-29 (4) "District" means the LaSalle Municipal Utility  
1-30 District No. 5.

1-31 Sec. 8476.002. NATURE OF DISTRICT. The district is a  
1-32 municipal utility district created under Section 59, Article XVI,  
1-33 Texas Constitution.

1-34 Sec. 8476.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-35 REQUIRED. The temporary directors shall hold an election to  
1-36 confirm the creation of the district and to elect five permanent  
1-37 directors as provided by Section 49.102, Water Code.

1-38 Sec. 8476.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-39 temporary directors may not hold an election under Section 8476.003  
1-40 until each municipality in whose corporate limits or  
1-41 extraterritorial jurisdiction the district is located has  
1-42 consented by ordinance or resolution to the creation of the  
1-43 district and to the inclusion of land in the district.

1-44 Sec. 8476.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-45 (a) The district is created to serve a public purpose and benefit.

1-46 (b) The district is created to accomplish the purposes of:

1-47 (1) a municipal utility district as provided by  
1-48 general law and Section 59, Article XVI, Texas Constitution; and

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

1-53 Sec. 8476.006. INITIAL DISTRICT TERRITORY. (a) The  
1-54 district is initially composed of the territory described by  
1-55 Section 2 of the Act enacting this chapter.

1-56 (b) The boundaries and field notes contained in Section 2 of  
1-57 the Act enacting this chapter form a closure. A mistake made in the  
1-58 field notes or in copying the field notes in the legislative process  
1-59 does not affect the district's:

1-60 (1) organization, existence, or validity;

1-61 (2) right to issue any type of bond for the purposes

2-1 for which the district is created or to pay the principal of and  
2-2 interest on a bond;  
2-3 (3) right to impose a tax; or  
2-4 (4) legality or operation.

2-5 SUBCHAPTER B. BOARD OF DIRECTORS

2-6 Sec. 8476.051. GOVERNING BODY; TERMS. (a) The district is  
2-7 governed by a board of five elected directors.

2-8 (b) Except as provided by Section 8476.052, directors serve  
2-9 staggered four-year terms.

2-10 Sec. 8476.052. TEMPORARY DIRECTORS. (a) On or after the  
2-11 effective date of the Act enacting this chapter, the owner or owners  
2-12 of a majority of the assessed value of the real property in the  
2-13 district may submit a petition to the commission requesting that  
2-14 the commission appoint as temporary directors the five persons  
2-15 named in the petition. The commission shall appoint as temporary  
2-16 directors the five persons named in the petition.

2-17 (b) Temporary directors serve until the earlier of:

2-18 (1) the date permanent directors are elected under  
2-19 Section 8476.003; or

2-20 (2) the fourth anniversary of the effective date of  
2-21 the Act enacting this chapter.

2-22 (c) If permanent directors have not been elected under  
2-23 Section 8476.003 and the terms of the temporary directors have  
2-24 expired, successor temporary directors shall be appointed or  
2-25 reappointed as provided by Subsection (d) to serve terms that  
2-26 expire on the earlier of:

2-27 (1) the date permanent directors are elected under  
2-28 Section 8476.003; or

2-29 (2) the fourth anniversary of the date of the  
2-30 appointment or reappointment.

2-31 (d) If Subsection (c) applies, the owner or owners of a  
2-32 majority of the assessed value of the real property in the district  
2-33 may submit a petition to the commission requesting that the  
2-34 commission appoint as successor temporary directors the five  
2-35 persons named in the petition. The commission shall appoint as  
2-36 successor temporary directors the five persons named in the  
2-37 petition.

2-38 SUBCHAPTER C. POWERS AND DUTIES

2-39 Sec. 8476.101. GENERAL POWERS AND DUTIES. The district has  
2-40 the powers and duties necessary to accomplish the purposes for  
2-41 which the district is created.

2-42 Sec. 8476.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
2-43 DUTIES. The district has the powers and duties provided by the  
2-44 general law of this state, including Chapters 49 and 54, Water Code,  
2-45 applicable to municipal utility districts created under Section 59,  
2-46 Article XVI, Texas Constitution.

2-47 Sec. 8476.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
2-48 52, Article III, Texas Constitution, and Section 53.029(c), Water  
2-49 Code, the district may design, acquire, construct, finance, issue  
2-50 bonds for, improve, operate, maintain, and convey to this state, a  
2-51 county, or a municipality for operation and maintenance  
2-52 macadamized, graveled, or paved roads, or improvements, including  
2-53 storm drainage, in aid of those roads.

2-54 Sec. 8476.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
2-55 road project must meet all applicable construction standards,  
2-56 zoning and subdivision requirements, and regulations of each  
2-57 municipality in whose corporate limits or extraterritorial  
2-58 jurisdiction the road project is located.

2-59 (b) If a road project is not located in the corporate limits  
2-60 or extraterritorial jurisdiction of a municipality, the road  
2-61 project must meet all applicable construction standards,  
2-62 subdivision requirements, and regulations of each county in which  
2-63 the road project is located.

2-64 (c) If the state will maintain and operate the road, the  
2-65 Texas Transportation Commission must approve the plans and  
2-66 specifications of the road project.

2-67 Sec. 8476.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
2-68 OR RESOLUTION. The district shall comply with all applicable  
2-69 requirements of any ordinance or resolution that is adopted under

3-1 Section 54.016 or 54.0165, Water Code, and that consents to the  
3-2 creation of the district or to the inclusion of land in the  
3-3 district.

3-4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-5 Sec. 8476.151. ELECTIONS REGARDING TAXES OR BONDS.

3-6 (a) The district may issue, without an election, bonds and other  
3-7 obligations secured by:

3-8 (1) revenue other than ad valorem taxes; or

3-9 (2) contract payments described by Section 8476.153.

3-10 (b) The district must hold an election in the manner  
3-11 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-12 before the district may impose an ad valorem tax or issue bonds  
3-13 payable from ad valorem taxes.

3-14 (c) The district may not issue bonds payable from ad valorem  
3-15 taxes to finance a road project unless the issuance is approved by a  
3-16 vote of a two-thirds majority of the district voters voting at an  
3-17 election held for that purpose.

3-18 Sec. 8476.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-19 authorized at an election held under Section 8476.151, the district  
3-20 may impose an operation and maintenance tax on taxable property in  
3-21 the district in accordance with Section 49.107, Water Code.

3-22 (b) The board shall determine the tax rate. The rate may not  
3-23 exceed the rate approved at the election.

3-24 Sec. 8476.153. CONTRACT TAXES. (a) In accordance with  
3-25 Section 49.108, Water Code, the district may impose a tax other than  
3-26 an operation and maintenance tax and use the revenue derived from  
3-27 the tax to make payments under a contract after the provisions of  
3-28 the contract have been approved by a majority of the district voters  
3-29 voting at an election held for that purpose.

3-30 (b) A contract approved by the district voters may contain a  
3-31 provision stating that the contract may be modified or amended by  
3-32 the board without further voter approval.

3-33 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-34 Sec. 8476.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-35 OBLIGATIONS. The district may issue bonds or other obligations  
3-36 payable wholly or partly from ad valorem taxes, impact fees,  
3-37 revenue, contract payments, grants, or other district money, or any  
3-38 combination of those sources, to pay for any authorized district  
3-39 purpose.

3-40 Sec. 8476.202. TAXES FOR BONDS. At the time the district  
3-41 issues bonds payable wholly or partly from ad valorem taxes, the  
3-42 board shall provide for the annual imposition of a continuing  
3-43 direct ad valorem tax, without limit as to rate or amount, while all  
3-44 or part of the bonds are outstanding as required and in the manner  
3-45 provided by Sections 54.601 and 54.602, Water Code.

3-46 Sec. 8476.203. BONDS FOR ROAD PROJECTS. At the time of  
3-47 issuance, the total principal amount of bonds or other obligations  
3-48 issued or incurred to finance road projects and payable from ad  
3-49 valorem taxes may not exceed one-fourth of the assessed value of the  
3-50 real property in the district.

3-51 SECTION 2. The LaSalle Municipal Utility District No. 5  
3-52 initially includes all the territory contained in the following  
3-53 area:

3-54 FIELD NOTE DESCRIPTION OF 275.81 ACRES OF LAND OUT OF THE WILLIAM  
3-55 HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A  
3-56 PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO  
3-57 LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME  
3-58 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,  
3-59 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS  
3-60 FOLLOWS:

3-61 BEGINNING FOR REFERENCE at a capped iron rod found (marked  
3-62 "ProTech") in the Northwest line of the Old San Antonio Road for the  
3-63 most Easterly corner of that certain (811.38 acre) tract of land as  
3-64 conveyed to LaSalle Holdings by Special Warranty Deed recorded in  
3-65 Volume 2909 Page 684 of the Official Public Records of Hays County,  
3-66 Texas;

3-67 THENCE with the Southeast line of said LaSalle Holdings (811.38  
3-68 acre) tract, S 48 deg. 44' 13" W 178.85 ft. to a capped iron rod  
3-69 found (marked "Byrn") at the point of intersection with the curving

4-1 Northwest right-of-way line State Highway No. 21;  
 4-2 THENCE with the Northwest right-of-way line of State Highway No.  
 4-3 21, the following two (2) courses;  
 4-4 1) along a curve to the left with a radius of 5779.51 ft. for  
 4-5 an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W  
 4-6 829.80 ft. to a PK nail found in a broken concrete monument for a  
 4-7 point of tangency;  
 4-8 2) S 48 deg. 46' 22" W 1475.74 ft. to a 1/2" iron rod found for  
 4-9 the most Southerly corner of said LaSalle Holdings (811.38 acre)  
 4-10 tract;  
 4-11 THENCE leaving the Northwest right-of-way line of State Highway No.  
 4-12 21 with a Southerly line of said LaSalle Holdings (811.38 acre)  
 4-13 tract, the following two (2) courses;  
 4-14 1) N 45 deg. 31' 36" W 2950.62 ft.;  
 4-15 2) S 44 deg. 02' 00" W 1300.00 ft. to a point for an Easterly  
 4-16 angle corner and PLACE OF BEGINNING of the herein described tract of  
 4-17 land;  
 4-18 THENCE continuing with a Southerly or Southeasterly line of said  
 4-19 LaSalle Holdings (811.38 acre) tract, S 44 deg. 02' 00" W 1863.28  
 4-20 ft. to a point for the most Southerly corner of this tract;  
 4-21 THENCE continuing with a Southerly line of said LaSalle Holdings  
 4-22 (811.38 acre) tract, the following thirteen (13) courses;  
 4-23 1) N 54 deg. 17' 20" W 771.66 ft.;  
 4-24 2) S 83 deg. 08' 18" W 840.88 ft.;  
 4-25 3) N 52 deg. 17' 55" W 690.89 ft.;  
 4-26 4) N 62 deg. 00' 02" W 69.27 ft.;  
 4-27 5) N 68 deg. 09' 41" W 56.18 ft.;  
 4-28 6) N 72 deg. 20' 49" W 88.29 ft.;  
 4-29 7) N 73 deg. 00' 27" W 53.89 ft.;  
 4-30 8) N 78 deg. 17' 31" W 427.31 ft.;  
 4-31 9) N 88 deg. 16' 13" W 82.92 ft.;  
 4-32 10) S 89 deg. 50' 43" W 252.84 ft.;  
 4-33 11) N 77 deg. 42' 55" W 289.03 ft.;  
 4-34 12) N 69 deg. 45' 12" W 133.17 ft.;  
 4-35 13) N 65 deg. 20' 24" W 1059.29 ft. to a point in the  
 4-36 Southeast line of Hays County Road No. 158 for the most Westerly  
 4-37 corner of said LaSalle Holdings (811.38 acre) tract and being the  
 4-38 most Westerly corner of this tract;  
 4-39 THENCE with the Southeast line of Hays County Road No. 158 and with  
 4-40 the Northwest line of said LaSalle Holdings (811.38 acre) tract,  
 4-41 the following two (2) courses;  
 4-42 1) N 43 deg. 32' 03" E 3243.31 ft. to a 1/2" iron rod found;  
 4-43 2) N 43 deg. 26' 25" E 605.66 ft. to a point for the most  
 4-44 Northerly corner of this tract, and from which a capped iron rod  
 4-45 found (marked "Byrn") in the Southeast line of Hays County Road No.  
 4-46 158 and in the Northwest line of said LaSalle Holdings (811.38 acre)  
 4-47 tract bears N 43 deg. 26' 25" E 482.55 ft;  
 4-48 THENCE crossing the interior of said LaSalle Holdings (811.38 acre)  
 4-49 tract with the Northeast line of this tract, S 45 deg. 39' 03" E  
 4-50 4231.53 ft. to the PLACE OF BEGINNING, containing 275.81 acres of  
 4-51 land.  
 4-52 SECTION 3. (a) The legal notice of the intention to  
 4-53 introduce this Act, setting forth the general substance of this  
 4-54 Act, has been published as provided by law, and the notice and a  
 4-55 copy of this Act have been furnished to all persons, agencies,  
 4-56 officials, or entities to which they are required to be furnished  
 4-57 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 4-58 Government Code.  
 4-59 (b) The governor, one of the required recipients, has  
 4-60 submitted the notice and Act to the Texas Commission on  
 4-61 Environmental Quality.  
 4-62 (c) The Texas Commission on Environmental Quality has filed  
 4-63 its recommendations relating to this Act with the governor, the  
 4-64 lieutenant governor, and the speaker of the house of  
 4-65 representatives within the required time.  
 4-66 (d) All requirements of the constitution and laws of this  
 4-67 state and the rules and procedures of the legislature with respect  
 4-68 to the notice, introduction, and passage of this Act are fulfilled  
 4-69 and accomplished.

5-1 SECTION 4. (a) If this Act does not receive a two-thirds  
5-2 vote of all the members elected to each house, Subchapter C, Chapter  
5-3 8476, Special District Local Laws Code, as added by Section 1 of  
5-4 this Act, is amended by adding Section 8476.106 to read as follows:

5-5 Sec. 8476.106. NO EMINENT DOMAIN POWER. The district may  
5-6 not exercise the power of eminent domain.

5-7 (b) This section is not intended to be an expression of a  
5-8 legislative interpretation of the requirements of Subsection (c),  
5-9 Section 17, Article I, Texas Constitution.

5-10 SECTION 5. This Act takes effect immediately if it receives  
5-11 a vote of two-thirds of all the members elected to each house, as  
5-12 provided by Section 39, Article III, Texas Constitution. If this  
5-13 Act does not receive the vote necessary for immediate effect, this  
5-14 Act takes effect September 1, 2013.

5-15

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