

Amend CSHB 4154 (senate committee report) as follows:

(1) In the caption of the bill (page 1, line 20), between "District" and ";" insert the following:

"and the Montgomery County Municipal Utility District No. 152."

(2) After SECTION 2 of the bill (page 8, line 27), insert the following new SECTIONS 3 and 4 and renumber the subsequent sections accordingly:

"SECTION 3. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7932 to read as follows:

CHAPTER 7932. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 152

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7932.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 152.

Sec. 7932.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7932.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7932.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7932.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7932.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

(1) a municipal utility district as provided by

general law and Section 59, Article XVI, Texas Constitution; and

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

Sec. 7932.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7932.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7932.052, directors serve staggered four-year terms.

Sec. 7932.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7932.003; or

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

(c) If permanent directors have not been elected under Section 7932.003 and the terms of the temporary directors have

expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7932.003; or

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

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

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7932.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7932.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7932.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7932.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards,

subdivision requirements, and regulations of each county in which the road project is located.

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

Sec. 7932.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7932.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 7932.153.

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

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

Sec. 7932.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7932.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 7932.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district

voters voting at an election held for that purpose.

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

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7932.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7932.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7932.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 4. The Montgomery County Municipal Utility District No. 152 initially includes all the territory contained in the following area:

A METES & BOUNDS description of a certain 695.3 acre tract of land situated in the Montgomery County School Land Survey, Abstract No. 351, the T. F. Johnson Survey, Abstract No. 299 and the Timothy O'Neil Survey, Abstract No. 406 in Montgomery County, Texas, being comprised of a called 364.7 acre tract of land (First Tract) and a called 330.6 acre tract of land (Second Tract) conveyed to Bell Endeavors, Ltd. From Helen Hilliard Brame by Special Warranty Deed recorded in Clerk's File No. 2004-021196 of the Montgomery County Official Public Records of Real Property; said 695.3 acre tract being more particularly described in Two (2) Tracts as follows with all bearings being based on a call of South 51°30' West, along the common lines of the First and Second Tracts;

TRACT 1: 364.7 acres, more or less, of land, of which 286.5 acres, more or less, lies in the Montgomery County School Land Survey, Abstract No. 350, 69.2 acres, more or less, lies in the Montgomery County School Land Survey, Abstract No. 351, 6.5 acres, more or less, lies in the T. F. Johnson Survey, Abstract No. 299, and 2.5 acres, more or less, lies in the Timothy O'Neil Survey, Abstract No. 406, and being the same land as conveyed to Winnie Helen Hilliard by partition deed dated July 20, 1957, recorded in Volume 434, Page 441 of the Deed Records of Montgomery County, Texas; said 364.7 acres, more or less, of land being more particularly described as follows:

BEGINNING at the Southwest corner of the S. Richardson Survey, Abstract No. 460 and the Northwest corner of the T. F. Johnson Survey, the Eastern Southeast corner of the Montgomery County School Land Survey, Abstract No. 350, a Northeast intra corner of the Montgomery County School Land Survey, Abstract No. 351, and being Corner No. 1 hereof;

THENCE, S 00°30' W, 199.3 feet to Corner No. 2 hereof at the Southwest corner of the Blanche Bender tract of land;

THENCE, East, 746.4 feet to Corner No. 3 hereof and the Second Corner of Tract 2 hereof;

THENCE, S 51°30' W, 2738 feet to Corner No. 4 hereof and Corner No. 1 of said Tract Two hereof, also being in the Northern boundary line of a 660 acre tract as conveyed to Winnifred Bender Beaman by said partition deed recorded in Volume 434, Page 441 of said Deed Records, and also being the Southeast corner of the Doris Eugenia Vaughan tract as described in said partition deed;

THENCE, N 38°35' W, 6268.4 feet to Corner No. 5 hereof and the Northeast corner of said Doris Eugenia Vaughan tract in the center of the Scott-Herrin Road;

THENCE, N 47°30' E, 800.4 feet with said Road [Deed (Volume 434, Page 441) call of N 46°40' E, 759.2 feet] to Corner No. 6 hereof;

THENCE, N 70°06' E, 1110.0 feet continuing with said road [Deed (Volume 434, Page 441) call of N 68°55' E, 1110 feet] to its intersection with the old Bender Tram Line for Corner No. 7 hereof;

THENCE, S 57°27' E, with said old Tram, 4397 feet [Deed

(Volume 434, Page 441) call of S 57°12' E, 4397 feet] to Corner No. 8 hereof in the West boundary line of the S. Richardson Survey;

THENCE, S 01°12'39" W, 1549.45 feet [Deed (Clerk's File No. 2004-021196) call South 01°13' W, 1549.6 feet] along the West line of the S. Richardson Survey to the PLACE OF BEGINNING AND CONTAINING within these bounds 364.7 acres, more or less, of land.

TRACT 2: 330.6 acres, more or less, of land, of which 110.5 acres, more or less, lies in the Montgomery County School Land Survey, Abstract No. 351, and 220.1 acres, more or less, lies in the T. F. Johnson Survey, Abstract No. 299, and being the same land as conveyed to Winnie Helen Hilliard by deed dated August 3, 1967, recorded in Volume 646, Page 935 of the Montgomery County Deed Records; said 330.6 acres, more or less, of land being more particularly described as follows:

BEGINNING at Corner No. 4 of the Tract 1 herein, and Corner No. 1 hereof;

THENCE, N 51°30' E, 2738.0 feet to a point for corner in the Southern boundary line of said Blanche Bender tract for Corner No. 2;

THENCE, East, 1009.6 feet with the Southern boundary line of said Blanche Bender tract to Corner No. 3 hereof on the Western edge of the Old Bender Tram Line;

THENCE, S 28°02' E, with said old Tram and/or road, 4024 feet [Deed (Volume 434, Page 441) call of S 28°50' E, 3966.4 feet] to Corner No. 4 hereof, on the Western side of said road, and being a most Eastern corner of the Doris E. Vaughan 330 acres as described in a deed recorded in Volume 646, Page 933 of said Deed Records;

THENCE, S 52°43' W, 2797.2 feet, [Deed (Volume 434, Page 441) call of S 53° W, 2797.2 feet] to Corner No. 5 hereof and being a re-entrant corner of the Doris E. Vaughan 330 acre tract;

THENCE, S 38°30'25" W, 4526.14 feet [Deed (Clerk's File No. 2004-021196) call N 38°30' W, 4525.7 feet] to the PLACE OF BEGINNING AND CONTAINING within these bounds 330.6 acres, more or less, of land for a total of 695.3 acres in Montgomery County, Texas."

(3) After renumbered SECTION 5 of the bill, insert the following new SECTION 6 and renumber the subsequent section

accordingly:

"SECTION 6. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7932, Special District Local Laws Code, as added by Section 3 of this Act, is amended by adding Section 7932.106 to read as follows:

Sec. 7932.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution."