

1-1 By: Kolkhorst S.B. No. 2008
1-2 (In the Senate - Filed March 23, 2015; March 30, 2015, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 29, 2015, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; April 29, 2015, 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	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the creation of the Harris County Municipal Utility
1-18 District No. 539; granting a limited power of eminent domain;
1-19 providing authority to issue bonds; providing authority to impose
1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 7904 to read as follows:

1-24 CHAPTER 7904. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 539

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7904.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
1-29 Environmental Quality.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Harris County Municipal
1-32 Utility District No. 539.

1-33 Sec. 7904.002. NATURE OF DISTRICT. The district is a
1-34 municipal utility district created under Section 59, Article XVI,
1-35 Texas Constitution.

1-36 Sec. 7904.003. CONFIRMATION AND DIRECTORS' ELECTION
1-37 REQUIRED. The temporary directors shall hold an election to
1-38 confirm the creation of the district and to elect five permanent
1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 7904.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section 7904.003
1-42 until each municipality in whose corporate limits or
1-43 extraterritorial jurisdiction the district is located has
1-44 consented by ordinance or resolution to the creation of the
1-45 district and to the inclusion of land in the district.

1-46 Sec. 7904.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-47 (a) The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
1-52 relate to the construction, acquisition, improvement, operation,
1-53 or maintenance of macadamized, graveled, or paved roads, or
1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 7904.006. INITIAL DISTRICT TERRITORY. (a) The
1-56 district is initially composed of the territory described by
1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
1-59 the Act enacting this chapter form a closure. A mistake made in the
1-60 field notes or in copying the field notes in the legislative process
1-61 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 7904.051. GOVERNING BODY; TERMS. (a) The district is

2-9 governed by a board of five elected directors.

2-10 (b) Except as provided by Section 7904.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 7904.052. TEMPORARY DIRECTORS. (a) On or after the

2-13 effective date of the Act enacting this chapter, the owner or owners

2-14 of a majority of the assessed value of the real property in the

2-15 district may submit a petition to the commission requesting that

2-16 the commission appoint as temporary directors the five persons

2-17 named in the petition. The commission shall appoint as temporary

2-18 directors the five persons named in the petition.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 7904.003; or

2-22 (2) the fourth anniversary of the effective date of

2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under

2-25 Section 7904.003 and the terms of the temporary directors have

2-26 expired, successor temporary directors shall be appointed or

2-27 reappointed as provided by Subsection (d) to serve terms that

2-28 expire on the earlier of:

2-29 (1) the date permanent directors are elected under

2-30 Section 7904.003; or

2-31 (2) the fourth anniversary of the date of the

2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a

2-34 majority of the assessed value of the real property in the district

2-35 may submit a petition to the commission requesting that the

2-36 commission appoint as successor temporary directors the five

2-37 persons named in the petition. The commission shall appoint as

2-38 successor temporary directors the five persons named in the

2-39 petition.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 7904.101. GENERAL POWERS AND DUTIES. The district has

2-42 the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 7904.102. MUNICIPAL UTILITY DISTRICT POWERS AND

2-45 DUTIES. The district has the powers and duties provided by the

2-46 general law of this state, including Chapters 49 and 54, Water Code,

2-47 applicable to municipal utility districts created under Section 59,

2-48 Article XVI, Texas Constitution.

2-49 Sec. 7904.103. AUTHORITY FOR ROAD PROJECTS. Under Section

2-50 52, Article III, Texas Constitution, the district may design,

2-51 acquire, construct, finance, issue bonds for, improve, operate,

2-52 maintain, and convey to this state, a county, or a municipality for

2-53 operation and maintenance macadamized, graveled, or paved roads, or

2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 7904.104. ROAD STANDARDS AND REQUIREMENTS. (a) A

2-56 road project must meet all applicable construction standards,

2-57 zoning and subdivision requirements, and regulations of each

2-58 municipality in whose corporate limits or extraterritorial

2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits

2-61 or extraterritorial jurisdiction of a municipality, the road

2-62 project must meet all applicable construction standards,

2-63 subdivision requirements, and regulations of each county in which

2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the

2-66 Texas Transportation Commission must approve the plans and

2-67 specifications of the road project.

2-68 Sec. 7904.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

2-69 OR RESOLUTION. The district shall comply with all applicable

3-1 requirements of any ordinance or resolution that is adopted under
3-2 Section 54.016 or 54.0165, Water Code, and that consents to the
3-3 creation of the district or to the inclusion of land in the
3-4 district.

3-5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-6 Sec. 7904.151. ELECTIONS REGARDING TAXES OR BONDS.

3-7 (a) The district may issue, without an election, bonds and other
3-8 obligations secured by:

- 3-9 (1) revenue other than ad valorem taxes; or
- 3-10 (2) contract payments described by Section 7904.153.

3-11 (b) The district must hold an election in the manner
3-12 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-13 before the district may impose an ad valorem tax or issue bonds
3-14 payable from ad valorem taxes.

3-15 (c) The district may not issue bonds payable from ad valorem
3-16 taxes to finance a road project unless the issuance is approved by a
3-17 vote of a two-thirds majority of the district voters voting at an
3-18 election held for that purpose.

3-19 Sec. 7904.152. OPERATION AND MAINTENANCE TAX. (a) If
3-20 authorized at an election held under Section 7904.151, the district
3-21 may impose an operation and maintenance tax on taxable property in
3-22 the district in accordance with Section 49.107, Water Code.

3-23 (b) The board shall determine the tax rate. The rate may not
3-24 exceed the rate approved at the election.

3-25 Sec. 7904.153. CONTRACT TAXES. (a) In accordance with
3-26 Section 49.108, Water Code, the district may impose a tax other than
3-27 an operation and maintenance tax and use the revenue derived from
3-28 the tax to make payments under a contract after the provisions of
3-29 the contract have been approved by a majority of the district voters
3-30 voting at an election held for that purpose.

3-31 (b) A contract approved by the district voters may contain a
3-32 provision stating that the contract may be modified or amended by
3-33 the board without further voter approval.

3-34 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-35 Sec. 7904.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-36 OBLIGATIONS. The district may issue bonds or other obligations
3-37 payable wholly or partly from ad valorem taxes, impact fees,
3-38 revenue, contract payments, grants, or other district money, or any
3-39 combination of those sources, to pay for any authorized district
3-40 purpose.

3-41 Sec. 7904.202. TAXES FOR BONDS. At the time the district
3-42 issues bonds payable wholly or partly from ad valorem taxes, the
3-43 board shall provide for the annual imposition of a continuing
3-44 direct ad valorem tax, without limit as to rate or amount, while all
3-45 or part of the bonds are outstanding as required and in the manner
3-46 provided by Sections 54.601 and 54.602, Water Code.

3-47 Sec. 7904.203. BONDS FOR ROAD PROJECTS. At the time of
3-48 issuance, the total principal amount of bonds or other obligations
3-49 issued or incurred to finance road projects and payable from ad
3-50 valorem taxes may not exceed one-fourth of the assessed value of the
3-51 real property in the district.

3-52 SECTION 2. The Harris County Municipal Utility District
3-53 No. 539 initially includes all the territory contained in the
3-54 following area:

3-55 DESCRIPTION OF A 620.6117 ACRE TRACT OF LAND SITUATED IN THE
3-56 H.&T.C. R.R. SURVEY, A-463, HARRIS COUNTY, TEXAS, BEING A CALLED
3-57 620.6117 ACRE TRACT OF LAND DESCRIBED IN DEED TO JOHN S. BEESON,
3-58 JOHN STEPHEN FORD, SR., AND STEVEN A. WEBSTER RECORDED UNDER HARRIS
3-59 COUNTY CLERKS FILE NUMBER (H.C.C.F. No.) 20140311385 OF THE
3-60 OFFICIAL PUBLIC RECORDS OF REAL PROPERTY (O.P.R.O.R.P.); SAID
3-61 620.6117 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
3-62 BOUNDS AS FOLLOWS WITH ALL BEARINGS BASED ON THE SAID DEED CALLS;

3-63 BEGINNING at the northeast corner of the intersection of
3-64 Beckendorff Road (60 foot right-of-way) recorded in Volume 219,
3-65 Page 352 of the Harris County Deed Records (H.C.D.R.) and Pitts Road
3-66 (80 foot right-of-way) recorded in Volume 1420, Page 242 of the
3-67 H.C.D.R. same being the southwest corner of the herein described
3-68 620.6117 acre tract;

3-69 THENCE, North 02° 03' 50" West, along the east right-of-way of

4-1 Pitts Road a distance of 5,091.27 feet to the southwest cut-back
4-2 corner of the southeast intersection of Pitts Road and F.M. 529 (120
4-3 foot right-of-way) recorded under H.C.C.F. No. C405638
4-4 O.P.R.O.R.P.;

4-5 THENCE, North 42° 59' 48" East, a distance of 120.21 feet to
4-6 the northeast cut-back corner of the southeast intersection of
4-7 Pitts Road and F.M. 529;

4-8 THENCE, North 87° 59' 48" East, along the south right-of-way
4-9 of F.M. 529 a distance of 3,562.46 feet to an angle point;

4-10 THENCE, North 87° 52' 48" East, continuing along the south
4-11 right-of-way of F.M. 529 a distance of 1,473.50 feet to a to the
4-12 northwest cut-back corner of the southwest intersection of F.M. 529
4-13 and New Katy Hockley Road (60 foot right-of-way) as occupied;

4-14 THENCE, South 47° 07' 12" East, a distance of 132.22 feet to
4-15 the southeast cut-back corner of the southwest intersection of F.M.
4-16 529 and New Katy Hockley Road;

4-17 THENCE, South 02° 09' 12" East, along the west right-of-way of
4-18 New Katy Hockley Road a distance of 5,096.26 feet to the northwest
4-19 corner of the intersection of New Katy Hockley Road and Beckendorff
4-20 Road;

4-21 THENCE, South 88° 06' 34" West, along the north right-of-way
4-22 of Beckendorff Road a distance of 5,222.59 feet to the POINT OF
4-23 BEGINNING, and containing 620.6117 acres of land.

4-24 SECTION 3. (a) The legal notice of the intention to
4-25 introduce this Act, setting forth the general substance of this
4-26 Act, has been published as provided by law, and the notice and a
4-27 copy of this Act have been furnished to all persons, agencies,
4-28 officials, or entities to which they are required to be furnished
4-29 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-30 Government Code.

4-31 (b) The governor, one of the required recipients, has
4-32 submitted the notice and Act to the Texas Commission on
4-33 Environmental Quality.

4-34 (c) The Texas Commission on Environmental Quality has filed
4-35 its recommendations relating to this Act with the governor, the
4-36 lieutenant governor, and the speaker of the house of
4-37 representatives within the required time.

4-38 (d) All requirements of the constitution and laws of this
4-39 state and the rules and procedures of the legislature with respect
4-40 to the notice, introduction, and passage of this Act are fulfilled
4-41 and accomplished.

4-42 SECTION 4. (a) If this Act does not receive a two-thirds
4-43 vote of all the members elected to each house, Subchapter C, Chapter
4-44 7904, Special District Local Laws Code, as added by Section 1 of
4-45 this Act, is amended by adding Section 7904.106 to read as follows:

4-46 Sec. 7904.106. NO EMINENT DOMAIN POWER. The district may
4-47 not exercise the power of eminent domain.

4-48 (b) This section is not intended to be an expression of a
4-49 legislative interpretation of the requirements of Section 17(c),
4-50 Article I, Texas Constitution.

4-51 SECTION 5. This Act takes effect immediately if it receives
4-52 a vote of two-thirds of all the members elected to each house, as
4-53 provided by Section 39, Article III, Texas Constitution. If this
4-54 Act does not receive the vote necessary for immediate effect, this
4-55 Act takes effect September 1, 2015.

4-56 * * * * *