

**BILL ANALYSIS**

C.S.H.B. 4318  
By: Bailes  
Special Purpose Districts  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Interested parties contend that undeveloped land located within Liberty County would benefit from the creation of a municipal utility district. C.S.H.B. 4318 seeks to provide for the creation of two such districts.

**CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

**RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

C.S.H.B. 4318 amends the Special District Local Laws Code to create the River Ranch Municipal Utility District of Liberty County and the Riverside Municipal Utility District of Liberty County, each of which is subject to municipal consent and voter approval at a confirmation election. The bill grants the districts the power to undertake certain road projects and provides for the division of the districts, the districts' water and sewer rates, and limitations on each district's use of eminent domain. The bill authorizes the districts, subject to certain requirements, to issue obligations and impose property, operation and maintenance, and contract taxes. The bill expressly prohibits the districts from exercising the power of eminent domain if the bill does not receive a two-thirds vote of all the members elected to each house.

**EFFECTIVE DATE**

June 1, 2017, or, if the bill does not receive the necessary vote, September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4318 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7991 to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7991 to read as follows:

85R 29493

17.128.872

Substitute Document Number: 85R 23007

CHAPTER 7991. RIVER RANCH  
MUNICIPAL UTILITY DISTRICT OF  
LIBERTY COUNTY  
SUBCHAPTER A. GENERAL  
PROVISIONS

Sec. 7991.001. DEFINITIONS.

Sec. 7991.002. NATURE OF DISTRICT.

Sec. 7991.003. CONFIRMATION AND  
DIRECTORS' ELECTION REQUIRED.

Sec. 7991.004. CONSENT OF  
MUNICIPALITY REQUIRED.

Sec. 7991.005. FINDINGS OF PUBLIC  
PURPOSE AND BENEFIT.

Sec. 7991.006. INITIAL DISTRICT  
TERRITORY.

SUBCHAPTER B. BOARD OF  
DIRECTORS

Sec. 7991.051. GOVERNING BODY;  
TERMS.

Sec. 7991.052. TEMPORARY  
DIRECTORS. (a) The temporary board  
consists of:

- (1) \_\_\_\_\_;
- (2) \_\_\_\_\_;
- (3) \_\_\_\_\_;
- (4) \_\_\_\_\_; and
- (5) \_\_\_\_\_.

(b) Temporary directors serve until the  
earlier of:

- (1) the date permanent directors are elected  
under Section 7991.003; or
- (2) September 1, 2021.

(c) If permanent directors have not been  
elected under Section 7991.003 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 7991.003; 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

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SUBCHAPTER B. BOARD OF  
DIRECTORS

Sec. 7991.051. GOVERNING BODY;  
TERMS.

Sec. 7991.052. TEMPORARY  
DIRECTORS. (a) The temporary board  
consists of:

- (1) Coby Trent Elliott;
- (2) Darrian Rainer Wright;
- (3) Alma Lopez;
- (4) Rosemarie S. Vitullo; and
- (5) Gary Joseph Mitchell.

(b) Temporary directors serve until the  
earlier of:

- (1) the date permanent directors are elected  
under Section 7991.003; or
- (2) September 1, 2021.

(c) If permanent directors have not been  
elected under Section 7991.003 and the  
terms of the temporary directors have  
expired, successor temporary directors shall  
be appointed or reappointed as provided by  
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the earlier of:

- (1) the date permanent directors are elected  
under Section 7991.003; 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. 7991.101. GENERAL POWERS AND DUTIES.

Sec. 7991.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES.

Sec. 7991.103. AUTHORITY FOR ROAD PROJECTS.

Sec. 7991.104. ROAD STANDARDS AND REQUIREMENTS.

Sec. 7991.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION.

Sec. 7991.106. DIVISION OF DISTRICT.

(a) The district may be divided into two or more new districts only if:

(1) the district has no outstanding bonded debt;

(2) the district is not imposing ad valorem taxes; and

(3) the requirements of Subsection (k) have been met.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act creating this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 7991.003 to confirm the creation of the district.

(f) An order dividing the district shall:

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. 7991.101. GENERAL POWERS AND DUTIES.

Sec. 7991.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES.

Sec. 7991.103. AUTHORITY FOR ROAD PROJECTS.

Sec. 7991.104. ROAD STANDARDS AND REQUIREMENTS.

Sec. 7991.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION.

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(2) the district is not imposing ad valorem taxes; and

(3) the requirements of Subsection (k) have been met.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 7991.003 to confirm the creation of the district.

(f) An order dividing the district shall:

- (1) name each new district;
- (2) include the metes and bounds description of the territory of each new district;
- (3) appoint temporary directors for each new district; and
- (4) provide for the division of assets and liabilities between or among the new districts.
- (g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.
- (h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 7991.003.
- (i) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.
- (j) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.
- (k) If the district is located wholly or partly in the corporate limits or the extraterritorial jurisdiction of a municipality, the district may not divide under this section unless the municipality by resolution or ordinance consents to the division of the district. If the district is not located wholly or partly in the corporate limits or extraterritorial jurisdiction of a municipality, the district may not divide under this section unless the commissioners court of each county in which the district is wholly or partly located adopts a resolution or order consenting to the division of the district.

Sec. 7991.107. LIMITATION ON USE OF EMINENT DOMAIN.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7991.151. ELECTIONS REGARDING TAXES OR BONDS.

Sec. 7991.152. OPERATION AND MAINTENANCE TAX.

Sec. 7991.153. CONTRACT TAXES.

- (1) name each new district;
- (2) include the metes and bounds description of the territory of each new district;
- (3) appoint temporary directors for each new district; and
- (4) provide for the division of assets and liabilities between or among the new districts.
- (g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.
- (h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 7991.003.
- (i) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.
- (j) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.
- (k) If the district is located wholly or partly in the corporate limits or the extraterritorial jurisdiction of a municipality, the district may not divide under this section unless the municipality by resolution or ordinance consents to the division of the district. If the district is not located wholly or partly in the corporate limits or extraterritorial jurisdiction of a municipality, the district may not divide under this section unless the commissioners court of each county in which the district is wholly or partly located adopts a resolution or order consenting to the division of the district.

Sec. 7991.107. LIMITATION ON USE OF EMINENT DOMAIN.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7991.151. ELECTIONS REGARDING TAXES OR BONDS.

Sec. 7991.152. OPERATION AND MAINTENANCE TAX.

Sec. 7991.153. CONTRACT TAXES.

Sec. 7991.154. WATER AND SEWER RATES.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7991.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS.

Sec. 7991.202. TAXES FOR BONDS.

Sec. 7991.203. BONDS FOR ROAD PROJECTS.

SECTION 2. Sets out the metes and bounds of the River Ranch Municipal Utility District of Liberty County.

No equivalent provision.

Sec. 7991.154. WATER AND SEWER RATES.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7991.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS.

Sec. 7991.202. TAXES FOR BONDS.

Sec. 7991.203. BONDS FOR ROAD PROJECTS.

SECTION 2. Sets out revised metes and bounds of the River Ranch Municipal Utility District of Liberty County.

SECTION 3. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8012 to read as follows:

CHAPTER 8012. RIVERSIDE MUNICIPAL UTILITY DISTRICT OF LIBERTY COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8012.001. 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 Riverside Municipal Utility District of Liberty County.

Sec. 8012.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8012.003. 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. 8012.004. CONSENT OF MUNICIPALITY REQUIRED.

The temporary directors may not hold an election under Section 8012.003 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. 8012.005. 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, or improvement of macadamized, graveled, or paved roads or improvements, including storm drainage, in aid of those roads.

Sec. 8012.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 4 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 4 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. 8012.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8012.052, directors serve staggered four-year terms.

Sec. 8012.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Will King;

(2) Micky Redus;

(3) Jim Smesny;

(4) Dorothy Badgett; and

(5) Daniel Walker.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8012.003; or

(2) September 1, 2021.

(c) If permanent directors have not been

elected under Section 8012.003 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 8012.003; 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. 8012.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8012.102. 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. 8012.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, 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. 8012.104. 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. 8012.105. 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.

Sec. 8012.106. DIVISION OF DISTRICT.

(a) The district may be divided into two or more new districts only if:

(1) the district has no outstanding bonded debt;

(2) the district is not imposing ad valorem taxes; and

(3) the requirements of Subsection (k) have been met.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 4 of the Act enacting this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8012.003 to confirm the creation of the district.

(f) An order dividing the district shall:

(1) name each new district;

(2) include the metes and bounds description of the territory of each new district;

(3) appoint temporary directors for each new district; and

(4) provide for the division of assets and liabilities between or among the new districts.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the



commission and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8012.003.

(i) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.

(j) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

(k) If the district is located wholly or partly in the corporate limits or the extraterritorial jurisdiction of a municipality, the district may not divide under this section unless the municipality by resolution or ordinance consents to the division of the district. If the district is not located wholly or partly in the corporate limits or extraterritorial jurisdiction of a municipality, the district may not divide under this section unless the commissioners court of each county in which the district is wholly or partly located adopts a resolution or order consenting to the division of the district.

Sec. 8012.107. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8012.103; or

(2) a recreational facility as defined by Section 49.462, Water Code.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8012.151. ELECTIONS REGARDING TAXES OR BONDS. (a)

The district may issue, without an election, bonds and other obligations secured by revenue other than ad valorem taxes.

(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. 8012.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8012.151, 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. 8012.153. 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.

Sec. 8012.154. WATER AND SEWER RATES. Notwithstanding any other law, the district shall establish the same rates for residential and commercial classes of customers for the provision of water and sewer services. For purposes of this section, the commercial class may not include apartment complexes or other multifamily dwellings.

#### SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8012.201. 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. 8012.202. 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. 8012.203. 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.

No equivalent provision.

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

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

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

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

SECTION 4. (a) Section 7991.107, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7991, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7991.107 to read as follows:

Sec. 7991.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SECTION 4. Sets out the metes and bounds of the Riverside Municipal Utility District of Liberty County.

SECTION 5. Same as introduced version.

SECTION 6. (a) Section 7991.107, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house. If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7991, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7991.107 to read as follows:

Sec. 7991.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) Section 8012.107, Special District Local Laws Code, as added by Section 3 of this

Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house. If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8012, Special District Local Laws Code, as added by Section 3 of this Act, is amended by adding Section 8012.107 to read as follows: Sec. 8012.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

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

SECTION 5. This Act takes effect June 1, 2017, if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for effect on that date, this Act takes effect September 1, 2017.

SECTION 7. Same as introduced version.