

By: Biedermann

H.B. No. 3219

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Meyer Ranch Municipal Utility District of Comal County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7989 to read as follows:

CHAPTER 7989. MEYER RANCH MUNICIPAL UTILITY DISTRICT OF COMAL

COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7989.001. DEFINITION. In this chapter, "district" means the Meyer Ranch Municipal Utility District of Comal County.

Sec. 7989.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7989.003. 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

1 improvements, including storm drainage, in aid of those roads.

2 SUBCHAPTER B. POWERS AND DUTIES

3 Sec. 7989.051. GENERAL POWERS AND DUTIES. The district has
4 the powers and duties necessary to accomplish the purposes for
5 which the district is created.

6 Sec. 7989.052. MUNICIPAL UTILITY DISTRICT POWERS AND
7 DUTIES. The district has the powers and duties provided by the
8 general law of this state, including Chapters 49 and 54, Water Code,
9 applicable to municipal utility districts created under Section 59,
10 Article XVI, Texas Constitution.

11 Sec. 7989.053. AUTHORITY FOR ROAD PROJECTS. Under Section
12 52, Article III, Texas Constitution, the district may design,
13 acquire, construct, finance, issue bonds for, improve, operate,
14 maintain, and convey to this state, a county, or a municipality for
15 operation and maintenance macadamized, graveled, or paved roads, or
16 improvements, including storm drainage, in aid of those roads.

17 Sec. 7989.054. ROAD STANDARDS AND REQUIREMENTS. (a) A road
18 project must meet all applicable construction standards, zoning and
19 subdivision requirements, and regulations of each municipality in
20 whose corporate limits or extraterritorial jurisdiction the road
21 project is located.

22 (b) If a road project is not located in the corporate limits
23 or extraterritorial jurisdiction of a municipality, the road
24 project must meet all applicable construction standards,
25 subdivision requirements, and regulations of each county in which
26 the road project is located.

27 (c) If the state will maintain and operate the road, the

1 Texas Transportation Commission must approve the plans and
2 specifications of the road project.

3 Sec. 7989.055. LIMITATION ON USE OF EMINENT DOMAIN. The
4 district may not exercise the power of eminent domain outside the
5 boundaries of the district for any purpose unless the proposed
6 exercise is approved by a written resolution of the commissioners
7 court of each county in which the district is located.

8 Sec. 7989.056. COMPLIANCE WITH MARCH 2016 AGREEMENT. On
9 the date the district becomes a permittee under Texas Pollutant
10 Discharge Elimination System Permit No. WQ0015314001, the district
11 shall exercise any power necessary to comply with all applicable
12 terms of the "Settlement Agreement" of March 29, 2016, between
13 Randolph Todd Company, LLC and:

- 14 (1) Patricia and Troy Brand;
- 15 (2) Ellen McClellan;
- 16 (3) Edward Harris;
- 17 (4) Phyllis Yvonne Ritter;
- 18 (5) Carole Farmer;
- 19 (6) Nelda and Ronald Davis;
- 20 (7) Susan Dooley Logue;
- 21 (8) Randall and Nancy Pappas;
- 22 (9) Daniel and Michele Laroe;
- 23 (10) Elizabeth Martin;
- 24 (11) Ted Martin;
- 25 (12) Taylor Martin;
- 26 (13) Hector X. Amaya;
- 27 (14) Sabrina Houser-Amaya;

1 (15) Franklin Houser; and

2 (16) Bonnie Houser.

3 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

4 Sec. 7989.101. AUTHORITY TO ISSUE BONDS AND OTHER
5 OBLIGATIONS. (a) The district may issue bonds or other obligations
6 payable wholly or partly from ad valorem taxes, impact fees,
7 revenue, contract payments, grants, or other district money, or any
8 combination of those sources, to pay for a road project authorized
9 by Section 7989.053.

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

14 Sec. 7989.102. TAXES FOR BONDS. At the time the district
15 issues bonds payable wholly or partly from ad valorem taxes, the
16 board shall provide for the annual imposition of a continuing
17 direct ad valorem tax, without limit as to rate or amount, while all
18 or part of the bonds are outstanding as required and in the manner
19 provided by Sections 54.601 and 54.602, Water Code.

20 Sec. 7989.103. BONDS FOR ROAD PROJECTS. At the time of
21 issuance, the total principal amount of bonds or other obligations
22 issued or incurred to finance road projects and payable from ad
23 valorem taxes may not exceed one-fourth of the assessed value of the
24 real property in the district.

25 SECTION 2. (a) The legal notice of the intention to
26 introduce this Act, setting forth the general substance of this
27 Act, has been published as provided by law, and the notice and a

1 copy of this Act have been furnished to all persons, agencies,
2 officials, or entities to which they are required to be furnished
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4 Government Code.

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

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

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

16 SECTION 3. (a) If this Act does not receive a two-thirds
17 vote of all the members elected to each house, Subchapter C, Chapter
18 7989, Special District Local Laws Code, as added by Section 1 of
19 this Act, is amended by adding Section 7989.104 to read as follows:

20 Sec. 7989.104. NO EMINENT DOMAIN POWER. The district may
21 not exercise the power of eminent domain.

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

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 3219

1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2017.