

1-1 By: Wilson (Senate Sponsor - Schwertner) H.B. No. 4340
 1-2 (In the Senate - Received from the House May 19, 2017;
 1-3 May 19, 2017, read first time and referred to Committee on
 1-4 Administration; May 23, 2017, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 23, 2017, 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 Williamson County Municipal Utility
 1-18 District No. 34; 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 8008 to read as follows:

1-24 CHAPTER 8008. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 34

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8008.001. 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 Williamson County Municipal
 1-32 Utility District No. 34.

1-33 Sec. 8008.002. 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. 8008.003. 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. 8008.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section 8008.003
 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. 8008.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
 1-47 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. 8008.006. 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. 8008.051. 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 8008.052, directors serve

2-11 staggered four-year terms.

2-12 Sec. 8008.052. 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 8008.003; 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 8008.003 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 8008.003; 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. 8008.101. 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. 8008.102. 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. 8008.103. 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. 8008.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road

2-56 project must meet all applicable construction standards, zoning and

2-57 subdivision requirements, and regulations of each municipality in

2-58 whose corporate limits or extraterritorial jurisdiction the road

2-59 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. 8008.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

2-69 OR RESOLUTION. (a) 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 (b) In addition to all the rights and remedies provided by
 3-6 other law, if the district violates the terms of an ordinance or
 3-7 resolution described by Subsection (a), the municipality is
 3-8 entitled to injunctive relief or a writ of mandamus issued by a
 3-9 court requiring the district and the district's officials to
 3-10 observe and comply with the terms of the ordinance or resolution.

3-11 Sec. 8008.106. LIMITATION ON USE OF EMINENT DOMAIN. The
 3-12 district may not exercise the power of eminent domain outside the
 3-13 district without the written consent of the City of Weir.

3-14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-15 Sec. 8008.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
 3-16 district may issue, without an election, bonds and other
 3-17 obligations secured by revenue other than ad valorem taxes.

3-18 (b) The district must hold an election in the manner
 3-19 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-20 before the district may impose an ad valorem tax or issue bonds
 3-21 payable from ad valorem taxes.

3-22 (c) The district may not issue bonds payable from ad valorem
 3-23 taxes to finance a road project unless the issuance is approved by a
 3-24 vote of a two-thirds majority of the district voters voting at an
 3-25 election held for that purpose.

3-26 Sec. 8008.152. OPERATION AND MAINTENANCE TAX. (a) If
 3-27 authorized at an election held under Section 8008.151, the district
 3-28 may impose an operation and maintenance tax on taxable property in
 3-29 the district in accordance with Section 49.107, Water Code.

3-30 (b) The board shall determine the tax rate. The rate may not
 3-31 exceed the rate approved at the election.

3-32 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-33 Sec. 8008.201. AUTHORITY TO ISSUE BONDS AND OTHER
 3-34 OBLIGATIONS. The district may issue bonds or other obligations
 3-35 payable wholly or partly from ad valorem taxes, impact fees,
 3-36 revenue, contract payments, grants, or other district money, or any
 3-37 combination of those sources, to pay for any authorized district
 3-38 purpose.

3-39 Sec. 8008.202. TAXES FOR BONDS. At the time the district
 3-40 issues bonds payable wholly or partly from ad valorem taxes, the
 3-41 board shall provide for the annual imposition of a continuing
 3-42 direct ad valorem tax, without limit as to rate or amount, while all
 3-43 or part of the bonds are outstanding as required and in the manner
 3-44 provided by Sections 54.601 and 54.602, Water Code.

3-45 Sec. 8008.203. BONDS FOR ROAD PROJECTS. At the time of
 3-46 issuance, the total principal amount of bonds or other obligations
 3-47 issued or incurred to finance road projects and payable from ad
 3-48 valorem taxes may not exceed one-fourth of the assessed value of the
 3-49 real property in the district.

3-50 SECTION 2. The Williamson County Municipal Utility District
 3-51 No. 34 initially includes all the territory contained in the
 3-52 following area:

3-53 BEING 40.00 acres of land, situated in the Samuel Nimmo
 3-54 Survey, Abstract No. 481, in Williamson County, Texas, said land
 3-55 being a portion of that certain First Tract, called 121.15 acres, as
 3-56 conveyed to K&B Limited Partnership by deed as recorded in Volume
 3-57 2079, Page 68, of the Official Records of Williamson County, Texas.
 3-58 Surveyed on the ground in the month of August, 2006, under the
 3-59 supervision of Brian F. Peterson, Registered Professional Land
 3-60 Surveyor, and being more particularly described as follows;

3-61 BEGINNING for Reference at a 1" x 1" steel rod found on the
 3-62 east side of a ditch, 6 feet west of the edge of pavement on the west
 3-63 side of County Road No. 120, marking the Northeast corner of the
 3-64 above-referenced 121.15 acre First Tract, being the most easterly
 3-65 Southeast corner of that certain Tract No. 1, called 147.32 acres,
 3-66 as conveyed to Anton P. Schwertner and his wife, Bernice
 3-67 Schwertner, by deed as recorded in Volume 495, Page 621, of the Deed
 3-68 Records of Williamson County, Texas;

3-69 THENCE, along the north line of the said 121.15 acre Frist

4-1 Tract, being the south line of the said 147.32 acre Tract No. 1, S
4-2 71° 00' W, 16.33 feet to an iron pin set at the top of a berm on the
4-3 occupied west line of County Road No. 120, for the Northeast corner
4-4 and Point of BEGINNING hereof;

4-5 THENCE, along the top of the said berm along the said occupied
4-6 west line of County Road No. 120, S 19° 17' 15" E, 177.12 feet to an
4-7 iron pin set; S 18° 04' E, 362.94 feet to an iron pin set; S 19° 01'
4-8 30" E, at 420.25 feet pass an iron pin set for a total distance of
4-9 774.83 feet, in all, to an iron pin set and S 25° 24' 15" W, 56.52
4-10 feet to an iron pin set for the Southeast corner hereof;

4-11 THENCE, along the occupied north line of County Road No. 120,
4-12 S 44° 07' 45" W, 54.89 feet to an iron pin set; S 70° 25' 45" W, 626.75
4-13 feet to an iron pin set; S 67° 35' 30" W, 67.37 feet to an iron pin
4-14 set; S 71° 14' 30" W, 362.95 feet to an iron pin set and S 71° 41' 30"
4-15 W, 112.64 feet to an iron pin set for the Southwest corner hereof;

4-16 THENCE, N 19° 00' W, 1,387.42 feet to an iron pin set on the
4-17 said north line of the 121.15 acre First Tract, being the said south
4-18 line of the 147.32 acre Tract No. 1, for the Northwest corner
4-19 hereof; from said point an iron pin found at an 8" Pecan tree
4-20 marking the most easterly Northwest corner of the said 121.15 acre
4-21 First Tract, being an interior corner of the said 147.32 acre Tract
4-22 No. 1 bears S 71° 00' W, 1,066.11 feet;

4-23 THENCE, N 71° 00' E, 1,262.76 feet to the Place of BEGINNING
4-24 and containing 40.00 acres of land.

4-25 SECTION 3. (a) The legal notice of the intention to
4-26 introduce this Act, setting forth the general substance of this
4-27 Act, has been published as provided by law, and the notice and a
4-28 copy of this Act have been furnished to all persons, agencies,
4-29 officials, or entities to which they are required to be furnished
4-30 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-31 Government Code.

4-32 (b) The governor, one of the required recipients, has
4-33 submitted the notice and Act to the Texas Commission on
4-34 Environmental Quality.

4-35 (c) The Texas Commission on Environmental Quality has filed
4-36 its recommendations relating to this Act with the governor, the
4-37 lieutenant governor, and the speaker of the house of
4-38 representatives within the required time.

4-39 (d) All requirements of the constitution and laws of this
4-40 state and the rules and procedures of the legislature with respect
4-41 to the notice, introduction, and passage of this Act are fulfilled
4-42 and accomplished.

4-43 SECTION 4. (a) Section 8008.106, Special District Local
4-44 Laws Code, as added by Section 1 of this Act, takes effect only if
4-45 this Act receives a two-thirds vote of all the members elected to
4-46 each house.

4-47 (b) If this Act does not receive a two-thirds vote of all the
4-48 members elected to each house, Subchapter C, Chapter 8008, Special
4-49 District Local Laws Code, as added by Section 1 of this Act, is
4-50 amended by adding Section 8008.106 to read as follows:

4-51 Sec. 8008.106. NO EMINENT DOMAIN POWER. The district may
4-52 not exercise the power of eminent domain.

4-53 (c) This section is not intended to be an expression of a
4-54 legislative interpretation of the requirements of Section 17(c),
4-55 Article I, Texas Constitution.

4-56 SECTION 5. This Act takes effect immediately if it receives
4-57 a vote of two-thirds of all the members elected to each house, as
4-58 provided by Section 39, Article III, Texas Constitution. If this
4-59 Act does not receive the vote necessary for immediate effect, this
4-60 Act takes effect September 1, 2017.

4-61 * * * * *