

1-1 By: Bell of Montgomery H.B. No. 3209
 1-2 (Senate Sponsor - Kolkhorst)
 1-3 (In the Senate - Received from the House May 6, 2019;
 1-4 May 6, 2019, read first time and referred to Committee on
 1-5 Intergovernmental Relations; May 15, 2019, reported favorably by
 1-6 the following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the creation of the Waller County Municipal Utility
 1-19 District No. 35; granting a limited power of eminent domain;
 1-20 providing authority to issue bonds; providing authority to impose
 1-21 assessments, fees, and taxes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-24 Code, is amended by adding Chapter 8071 to read as follows:

1-25 CHAPTER 8071. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 35

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 8071.0101. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.
 1-29 (2) "Commission" means the Texas Commission on
 1-30 Environmental Quality.

1-31 (3) "Director" means a board member.
 1-32 (4) "District" means the Waller County Municipal
 1-33 Utility District No. 35.

1-34 Sec. 8071.0102. NATURE OF DISTRICT. The district is a
 1-35 municipal utility district created under Section 59, Article XVI,
 1-36 Texas Constitution.

1-37 Sec. 8071.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-38 REQUIRED. The temporary directors shall hold an election to
 1-39 confirm the creation of the district and to elect five permanent
 1-40 directors as provided by Section 49.102, Water Code.

1-41 Sec. 8071.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-42 temporary directors may not hold an election under Section
 1-43 8071.0103 until each municipality in whose corporate limits or
 1-44 extraterritorial jurisdiction the district is located has
 1-45 consented by ordinance or resolution to the creation of the
 1-46 district and to the inclusion of land in the district.

1-47 Sec. 8071.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-48 (a) The district is created to serve a public purpose and benefit.

1-49 (b) The district is created to accomplish the purposes of:
 1-50 (1) a municipal utility district as provided by
 1-51 general law and Section 59, Article XVI, Texas Constitution; and
 1-52 (2) Section 52, Article III, Texas Constitution, that
 1-53 relate to the construction, acquisition, improvement, operation,
 1-54 or maintenance of macadamized, graveled, or paved roads, or
 1-55 improvements, including storm drainage, in aid of those roads.

1-56 Sec. 8071.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-57 district is initially composed of the territory described by
 1-58 Section 2 of the Act enacting this chapter.

1-59 (b) The boundaries and field notes contained in Section 2 of
 1-60 the Act enacting this chapter form a closure. A mistake made in the
 1-61 field notes or in copying the field notes in the legislative process

- 2-1 does not affect the district's:
- 2-2 (1) organization, existence, or validity;
- 2-3 (2) right to issue any type of bond for the purposes
- 2-4 for which the district is created or to pay the principal of and
- 2-5 interest on a bond;
- 2-6 (3) right to impose a tax; or
- 2-7 (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

2-9 Sec. 8071.0201. GOVERNING BODY; TERMS. (a) The district is

2-10 governed by a board of five elected directors.

2-11 (b) Except as provided by Section 8071.0202, directors

2-12 serve staggered four-year terms.

2-13 Sec. 8071.0202. TEMPORARY DIRECTORS. (a) On or after the

2-14 effective date of the Act enacting this chapter, the owner or owners

2-15 of a majority of the assessed value of the real property in the

2-16 district may submit a petition to the commission requesting that

2-17 the commission appoint as temporary directors the five persons

2-18 named in the petition. The commission shall appoint as temporary

2-19 directors the five persons named in the petition.

2-20 (b) Temporary directors serve until the earlier of:

2-21 (1) the date permanent directors are elected under

2-22 Section 8071.0103; or

2-23 (2) the fourth anniversary of the effective date of

2-24 the Act enacting this chapter.

2-25 (c) If permanent directors have not been elected under

2-26 Section 8071.0103 and the terms of the temporary directors have

2-27 expired, successor temporary directors shall be appointed or

2-28 reappointed as provided by Subsection (d) to serve terms that

2-29 expire on the earlier of:

2-30 (1) the date permanent directors are elected under

2-31 Section 8071.0103; or

2-32 (2) the fourth anniversary of the date of the

2-33 appointment or reappointment.

2-34 (d) If Subsection (c) applies, the owner or owners of a

2-35 majority of the assessed value of the real property in the district

2-36 may submit a petition to the commission requesting that the

2-37 commission appoint as successor temporary directors the five

2-38 persons named in the petition. The commission shall appoint as

2-39 successor temporary directors the five persons named in the

2-40 petition.

SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8071.0301. GENERAL POWERS AND DUTIES. The district

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

2-43 which the district is created.

2-44 Sec. 8071.0302. 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. 8071.0303. 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. 8071.0304. 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. 8071.0305. COMPLIANCE WITH MUNICIPAL CONSENT

2-69

3-1 ORDINANCE OR RESOLUTION. The district shall comply with all
3-2 applicable requirements of any ordinance or resolution that is
3-3 adopted under Section 54.016 or 54.0165, Water Code, and that
3-4 consents to the creation of the district or to the inclusion of land
3-5 in the district.

3-6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-7 Sec. 8071.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-8 The district may issue, without an election, bonds and other
3-9 obligations secured by:

3-10 (1) revenue other than ad valorem taxes; or

3-11 (2) contract payments described by Section 8071.0403.

3-12 (b) The district must hold an election in the manner
3-13 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-14 before the district may impose an ad valorem tax or issue bonds
3-15 payable from ad valorem taxes.

3-16 (c) The district may not issue bonds payable from ad valorem
3-17 taxes to finance a road project unless the issuance is approved by a
3-18 vote of a two-thirds majority of the district voters voting at an
3-19 election held for that purpose.

3-20 Sec. 8071.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-21 authorized at an election held under Section 8071.0401, the
3-22 district may impose an operation and maintenance tax on taxable
3-23 property in the district in accordance with Section 49.107, Water
3-24 Code.

3-25 (b) The board shall determine the tax rate. The rate may not
3-26 exceed the rate approved at the election.

3-27 Sec. 8071.0403. CONTRACT TAXES. (a) In accordance with
3-28 Section 49.108, Water Code, the district may impose a tax other than
3-29 an operation and maintenance tax and use the revenue derived from
3-30 the tax to make payments under a contract after the provisions of
3-31 the contract have been approved by a majority of the district voters
3-32 voting at an election held for that purpose.

3-33 (b) A contract approved by the district voters may contain a
3-34 provision stating that the contract may be modified or amended by
3-35 the board without further voter approval.

3-36 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-37 Sec. 8071.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-38 OBLIGATIONS. The district may issue bonds or other obligations
3-39 payable wholly or partly from ad valorem taxes, impact fees,
3-40 revenue, contract payments, grants, or other district money, or any
3-41 combination of those sources, to pay for any authorized district
3-42 purpose.

3-43 Sec. 8071.0502. TAXES FOR BONDS. At the time the district
3-44 issues bonds payable wholly or partly from ad valorem taxes, the
3-45 board shall provide for the annual imposition of a continuing
3-46 direct ad valorem tax, without limit as to rate or amount, while all
3-47 or part of the bonds are outstanding as required and in the manner
3-48 provided by Sections 54.601 and 54.602, Water Code.

3-49 Sec. 8071.0503. BONDS FOR ROAD PROJECTS. At the time of
3-50 issuance, the total principal amount of bonds or other obligations
3-51 issued or incurred to finance road projects and payable from ad
3-52 valorem taxes may not exceed one-fourth of the assessed value of the
3-53 real property in the district.

3-54 SECTION 2. The Waller County Municipal Utility District No.
3-55 35 initially includes all the territory contained in the following
3-56 area:

3-57 A metes & bounds description of a 696.27 acre tract of land in
3-58 the Fred Eule Survey, Abstract 375, the H. & T. C. Railroad Company
3-59 Survey Section 129, Abstract 204, and the W. I. Williamson Survey,
3-60 Abstract 410, Waller County, Texas, being comprised of a portion of
3-61 that certain called 1,263.584 acre tract recorded in Volume 449,
3-62 Page 312, Deed Records, Waller County, Texas, and a portion of that
3-63 certain called 0.673 acre tract recorded in Volume 449, Page 508,
3-64 Deed Records, Waller County, Texas, with all bearings based upon
3-65 the Texas Coordinate System of 1983, South Central Zone, based upon
3-66 GPS observations.

3-67 Beginning at the southwest corner of said H. & T. C. Railroad
3-68 Company Survey Section 129, Abstract 204, same being the southeast
3-69 corner of said Fred Eule Survey, Abstract 375, for an angle point in

4-1 the south line and the Point of Beginning of the herein described
 4-2 tract, said point also being the northwest corner of the adjoining
 4-3 J. W. McCutcheon Survey, Abstract 308, and the northeast corner of
 4-4 the adjoining H. & T. C. Railroad Company Survey Section 121,
 4-5 Abstract 201, and being an angle point in the north line of the
 4-6 adjoining residue of a called 1,277.0358 acre tract recorded in
 4-7 Volume 313, Page 416, Deed Records, Waller County, Texas;

4-8 Thence South 87 degrees 59 minutes 38 seconds West along the
 4-9 south line of the herein described tract and the south line of said
 4-10 Fred Eule Survey, Abstract 375, same being the north line of said
 4-11 adjoining H. & T. C. Railroad Company Survey Section 121, Abstract
 4-12 201, 2,621.09 feet to the southwest corner of the herein described
 4-13 tract and said called 1,263.584 acre tract, same being the
 4-14 southeast corner of an adjoining called 162.614 acre tract recorded
 4-15 under County Clerk's File Number 1700518, Official Records, Waller
 4-16 County, Texas;

4-17 Thence North 01 degree 56 minutes 12 seconds West along the
 4-18 west line of the herein described tract, same being the east line of
 4-19 said adjoining called 162.614 acre tract, 2,657.26 feet to an angle
 4-20 point, said point being the northeast corner of said adjoining
 4-21 called 162.614 acre tract, same being the southeast corner of an
 4-22 adjoining called 4.00 acre tract recorded in Volume 1101, Page 526,
 4-23 Official Records, Waller County, Texas;

4-24 Thence North 01 degree 59 minutes 04 seconds West along the
 4-25 west line of the herein described tract, same being the east line of
 4-26 said adjoining called 4.00 acre tract, the east line of an adjoining
 4-27 called 5.00 acre tract recorded in Volume 419, Page 367, Deed
 4-28 Records, Waller County, Texas, the east line of an adjoining called
 4-29 5.00 acre tract recorded in Volume 396, Page 104, Deed Records,
 4-30 Waller County, Texas, the east line of an adjoining called 6.000
 4-31 acre tract recorded in Volume 1361, Page 796, Official Records,
 4-32 Waller County, Texas, and the east line of an adjoining called 10.00
 4-33 acre tract recorded in Volume 1020, Page 776, Official Records,
 4-34 Waller County, Texas, 2,624.91 feet to the lower northwest corner
 4-35 of the herein described tract and said called 1,263.584 acre tract,
 4-36 said point being in the north line of said Fred Eule Survey,
 4-37 Abstract 375, same being the south line of the adjoining H. & T. C.
 4-38 Railroad Company Survey Section 119, Abstract 200, as located in
 4-39 Beckendorff Road, said point being the southeast corner of an
 4-40 adjoining tract recorded in Volume 0995, Page 461, Official
 4-41 Records, Waller County, Texas, same being the southwest corner of
 4-42 an adjoining called 19.0983 acre tract recorded in Volume 1181,
 4-43 Page 588, Official Records, Waller County, Texas;

4-44 Thence North 88 degrees 01 minute 40 seconds East along the
 4-45 lower north line of the herein described tract and said called
 4-46 1,263.584 acre tract, and the north line of said Fred Eule Survey,
 4-47 Abstract 375, same being the south line of said adjoining H. & T. C.
 4-48 Railroad Company Survey Section 119, Abstract 200, as located in
 4-49 Beckendorff Road, and along the south line of said adjoining called
 4-50 19.0983 acre tract, the south line of an adjoining called 19.098
 4-51 acre tract recorded in Volume 686, Page 894, Official Records,
 4-52 Waller County, Texas, and the south line of an adjoining called
 4-53 19.0984 acre tract recorded in Volume 657, Page 415, Official
 4-54 Records, Waller County, Texas, 2,585.25 feet to a reentry corner to
 4-55 the herein described tract and said called 1,263.584 acre tract,
 4-56 said point being the southeast corner of said adjoining H. & T. C.
 4-57 Railroad Company Survey Section 119, Abstract 200, the southwest
 4-58 corner of said W. I. Williamson Survey, Abstract 410, the northwest
 4-59 corner of said H. & T. C. Railroad Company Survey Section 129,
 4-60 Abstract 204, and the northeast corner of said Fred Eule Survey,
 4-61 Abstract 375;

4-62 Thence North 02 degrees 16 minutes 26 seconds West along the
 4-63 upper west line of the herein described tract and said called
 4-64 1,263.584 acre tract, and the west line of said W. I. Williamson
 4-65 Survey, Abstract 410, same being the east line of said adjoining H.
 4-66 & T. C. Railroad Company Survey Section 119, Abstract 200, and being
 4-67 along the east line of said adjoining called 19.0984 acre tract, the
 4-68 east line of an adjoining called 35.3053 acre tract recorded in
 4-69 Volume 994, Page 833, Official Records, Waller County, Texas, the

5-1 east line of an adjoining called 31.987 acre tract recorded in
 5-2 Volume 757, Page 834, Official Records, Waller County, Texas, and
 5-3 the east line of an adjoining called 50 acre tract recorded in
 5-4 Volume 314, Page 159, Deed Records, Waller County, Texas, 2,654.17
 5-5 feet to the upper northwest corner of the herein described tract and
 5-6 the northwest corner of the aforementioned called 0.673 acre tract,
 5-7 said point being the northwest corner of said W. I. Williamson
 5-8 Survey, Abstract 410, same being the southwest corner of the
 5-9 adjoining W. C. Pitts Survey, Abstract 411, and the southwest
 5-10 corner of an adjoining called 0.652 acre tract recorded in Volume
 5-11 1094, Page 575, Official Records, Waller County, Texas;

5-12 Thence North 88 degrees 01 minute 17 seconds East along the
 5-13 north line of the herein described tract, the north line of said
 5-14 called 0.673 acre tract, and the north line of said W. I. Williamson
 5-15 Survey, Abstract 410, same being the south line of said adjoining W.
 5-16 C. Pitts Survey, Abstract 411, the south line of said adjoining
 5-17 called 0.652 acre tract, and the south line of an adjoining called
 5-18 57.3029 acre tract recorded in Volume 619, Page 220, Official
 5-19 Records, Waller County, Texas, 960.90 feet to the intersection of
 5-20 said line with the Waller-Harris County line for the northeast
 5-21 corner of the herein described tract;

5-22 Thence South 18 degrees 54 minutes 19 seconds East along the
 5-23 Waller-Harris County line, 8,291.16 feet to the intersection of
 5-24 said line with the south line of the aforementioned H. & T. C.
 5-25 Railroad Company Survey Section 129, Abstract 204, for the
 5-26 southeast corner of the herein described tract, said point being in
 5-27 the south line of said called 1,263.584 acre tract, same being the
 5-28 north line of the aforementioned adjoining J. W. McCutcheon Survey
 5-29 Section 130, Abstract 308, and the north line of the aforementioned
 5-30 adjoining residue of a called 1,277.0358 acre tract recorded in
 5-31 Volume 313, Page 416, Deed Records, Waller County, Texas;

5-32 Thence South 87 degrees 58 minutes 25 seconds West along the
 5-33 south line of the herein described tract and said H. & T. C.
 5-34 Railroad Company Survey Section 129, Abstract 204, same being the
 5-35 north line of said adjoining J. W. McCutcheon Survey Section 130,
 5-36 Abstract 308, and the north line of said adjoining residue of a
 5-37 called 1,277.0358 acre tract, 3,327.01 feet to the southwest corner
 5-38 of said H. & T. C. Railroad Company Survey Section 129, Abstract
 5-39 204, same being the southeast corner of the aforementioned Fred
 5-40 Eule Survey, Abstract 375;

5-41 Thence North 02 degrees 20 minutes 57 seconds West along the
 5-42 west line of said H. & T. C. Railroad Company Survey Section 129,
 5-43 Abstract 204, same being the east line of said Fred Eule Survey,
 5-44 Abstract 375, 53.43 feet to the southeast corner of an adjoining
 5-45 called 10.00 acre tract recorded in Volume 200, Page 118, Deed
 5-46 Records, Waller County, Texas;

5-47 Thence along the common line of the herein described tract
 5-48 and said adjoining called 10.00 acre tract with the following
 5-49 courses and distances:

5-50 North 02 degrees 20 minutes 57 seconds West, 660.00 feet;

5-51 South 87 degrees 29 minutes 25 seconds West, 660.00 feet;

5-52 South 02 degrees 20 minutes 57 seconds East, 660.00 feet;

5-53 North 87 degrees 29 minutes 25 seconds East, 660.00 feet to
 5-54 the southeast corner of said adjoining called 10.00 acre tract,
 5-55 said point being in the east line of said Fred Eule Survey, Abstract
 5-56 375, same being the west line of said H. & T. C. Railroad Company
 5-57 Survey Section 129, Abstract 204;

5-58 Thence South 02 degrees 20 minutes 57 seconds East along the
 5-59 east line of said Fred Eule Survey, Abstract 375, same being the
 5-60 west line of said H. & T. C. Railroad Company Survey Section 129,
 5-61 Abstract 204, 53.43 feet to the Point of Beginning and containing
 5-62 696.27 acres of land, more or less.

5-63 SECTION 3. (a) The legal notice of the intention to
 5-64 introduce this Act, setting forth the general substance of this
 5-65 Act, has been published as provided by law, and the notice and a
 5-66 copy of this Act have been furnished to all persons, agencies,
 5-67 officials, or entities to which they are required to be furnished
 5-68 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 5-69 Government Code.

6-1 (b) The governor, one of the required recipients, has
6-2 submitted the notice and Act to the Texas Commission on
6-3 Environmental Quality.

6-4 (c) The Texas Commission on Environmental Quality has filed
6-5 its recommendations relating to this Act with the governor, the
6-6 lieutenant governor, and the speaker of the house of
6-7 representatives within the required time.

6-8 (d) All requirements of the constitution and laws of this
6-9 state and the rules and procedures of the legislature with respect
6-10 to the notice, introduction, and passage of this Act are fulfilled
6-11 and accomplished.

6-12 SECTION 4. (a) If this Act does not receive a two-thirds
6-13 vote of all the members elected to each house, Subchapter C, Chapter
6-14 8071, Special District Local Laws Code, as added by Section 1 of
6-15 this Act, is amended by adding Section 8071.0306 to read as follows:

6-16 Sec. 8071.0306. NO EMINENT DOMAIN POWER. The district may
6-17 not exercise the power of eminent domain.

6-18 (b) This section is not intended to be an expression of a
6-19 legislative interpretation of the requirements of Section 17(c),
6-20 Article I, Texas Constitution.

6-21 SECTION 5. This Act takes effect immediately if it receives
6-22 a vote of two-thirds of all the members elected to each house, as
6-23 provided by Section 39, Article III, Texas Constitution. If this
6-24 Act does not receive the vote necessary for immediate effect, this
6-25 Act takes effect September 1, 2019.

6-26

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