

By: Bailes

H.B. No. 4653

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of Tarkington Management District No. 1 of  
3 Liberty County; providing authority to issue bonds; providing  
4 authority to impose assessments, fees, or taxes.

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

6 SECTION 1. Subtitle C, Title 4, Special District Local Laws  
7 Code, is amended by adding Chapter 3973 to read as follows:

8 CHAPTER 3973. TARKINGTON MANAGEMENT DISTRICT NO. 1 OF LIBERTY  
9 COUNTY

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 3973.0101. DEFINITIONS. In this chapter:

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

13 (2) "County" means Liberty County.

14 (3) "Director" means a board member.

15 (4) "District" means the Tarkington Management  
16 District No. 1 of Liberty County.

17 Sec. 3973.0102. NATURE OF DISTRICT. The district is a  
18 special district created under Section 59, Article XVI, Texas  
19 Constitution.

20 Sec. 3973.0103. PURPOSE; DECLARATION OF INTENT. (a) The  
21 creation of the district is essential to accomplish the purposes of  
22 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
23 Texas Constitution, and other public purposes stated in this  
24 chapter. By creating the district and in authorizing the county and

1 other political subdivisions to contract with the district, the  
2 legislature has established a program to accomplish the public  
3 purposes set out in Section 52-a, Article III, Texas Constitution.

4 (b) The creation of the district is necessary to promote,  
5 develop, encourage, and maintain employment, commerce,  
6 transportation, housing, tourism, recreation, the arts,  
7 entertainment, economic development, safety, and the public  
8 welfare in the district.

9 (c) This chapter and the creation of the district may not be  
10 interpreted to relieve the county from providing the level of  
11 services provided as of the effective date of the Act enacting this  
12 chapter to the area in the district. The district is created to  
13 supplement and not to supplant county services provided in the  
14 district.

15 Sec. 3973.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

16 (a) The district is created to serve a public use and benefit.

17 (b) All land and other property included in the district  
18 will benefit from the improvements and services to be provided by  
19 the district under powers conferred by Sections 52 and 52-a,  
20 Article III, and Section 59, Article XVI, Texas Constitution, and  
21 other powers granted under this chapter.

22 (c) The creation of the district is in the public interest  
23 and is essential to further the public purposes of:

24 (1) developing and diversifying the economy of the  
25 state;

26 (2) eliminating unemployment and underemployment; and

27 (3) developing or expanding transportation and

1 commerce.

2 (d) The district will:

3 (1) promote the health, safety, and general welfare of  
4 residents, employers, potential employees, employees, visitors,  
5 and consumers in the district, and of the public;

6 (2) provide needed funding for the district to  
7 preserve, maintain, and enhance the economic health and vitality of  
8 the district territory as a community and business center;

9 (3) promote the health, safety, welfare, and enjoyment  
10 of the public by providing pedestrian ways and by landscaping and  
11 developing certain areas in the district, which are necessary for  
12 the restoration, preservation, and enhancement of scenic beauty;  
13 and

14 (4) provide for water, wastewater, drainage, road,  
15 transportation, and recreational facilities for the district.

16 (e) Pedestrian ways along or across a street, whether at  
17 grade or above or below the surface, and street lighting, street  
18 landscaping, parking, and street art objects are parts of and  
19 necessary components of a street and are considered to be a street  
20 or road improvement.

21 (f) The district will not act as the agent or  
22 instrumentality of any private interest even though the district  
23 will benefit many private interests as well as the public.

24 Sec. 3973.0105. INITIAL DISTRICT TERRITORY. (a) The  
25 district is initially composed of the territory described by  
26 Section 2 of the Act enacting this chapter.

27 (b) The boundaries and field notes contained in Section 2 of

1 the Act enacting this chapter form a closure. A mistake in the  
2 field notes or in copying the field notes in the legislative process  
3 does not affect the district's:

4 (1) organization, existence, or validity;

5 (2) right to issue any type of bonds for the purposes  
6 for which the district is created or to pay the principal of and  
7 interest on the bonds;

8 (3) right to impose or collect an assessment or tax; or

9 (4) legality or operation.

10 Sec. 3973.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

11 All or any part of the area of the district is eligible to be  
12 included in:

13 (1) a tax increment reinvestment zone created under  
14 Chapter 311, Tax Code;

15 (2) a tax abatement reinvestment zone created under  
16 Chapter 312, Tax Code;

17 (3) an enterprise zone created under Chapter 2303,  
18 Government Code; or

19 (4) an industrial district created under Chapter 42,  
20 Local Government Code.

21 Sec. 3973.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT  
22 DISTRICTS LAW. Except as otherwise provided by this chapter,  
23 Chapter 375, Local Government Code, applies to the district.

24 Sec. 3973.0108. CONSTRUCTION OF CHAPTER. This chapter  
25 shall be liberally construed in conformity with the findings and  
26 purposes stated in this chapter.

27 Sec. 3973.0109. CONFLICTS OF LAW. This chapter prevails

1 over any provision of general law, including a provision of Chapter  
2 375, Local Government Code, or Chapter 49, Water Code, that is in  
3 conflict or inconsistent with this chapter.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 3973.0201. GOVERNING BODY; TERMS. (a) The district is  
6 governed by a board of five directors elected or appointed as  
7 provided by this chapter and Subchapter D, Chapter 49, Water Code.

8 (b) Except as provided by Section 3973.0204, directors  
9 serve staggered four-year terms.

10 Sec. 3973.0202. QUORUM. For purposes of determining the  
11 requirements for a quorum of the board, the following are not  
12 counted:

13 (1) a board position vacant for any reason, including  
14 death, resignation, or disqualification; or

15 (2) a director who is abstaining from participation in  
16 a vote because of a conflict of interest.

17 Sec. 3973.0203. COMPENSATION. A director is entitled to  
18 receive fees of office and reimbursement for actual expenses as  
19 provided by Section 49.060, Water Code. Sections 375.069 and  
20 375.070, Local Government Code, do not apply to the board.

21 Sec. 3973.0204. TEMPORARY DIRECTORS. (a) The temporary  
22 board consists of:

23 (1) Gready Hunter;

24 (2) Kevin Loeffler;

25 (3) Rusty Campbell;

26 (4) Greg Eknoyan; and

27 (5) Gordan Richardson.

1       (b) The temporary or successor temporary directors shall  
2 hold an election to elect five permanent directors as provided by  
3 Section 49.102, Water Code.

4       (c) Temporary directors serve until the earlier of:

5           (1) the date permanent directors are elected under  
6 Subsection (b); or

7           (2) the fourth anniversary of the effective date of  
8 the Act creating this chapter.

9       (d) If permanent directors have not been elected under  
10 Subsection (b) and the terms of the temporary directors have  
11 expired, successor temporary directors shall be appointed or  
12 reappointed as provided by Subsection (e) to serve terms that  
13 expire on the earlier of:

14           (1) the date permanent directors are elected under  
15 Subsection (b); or

16           (2) the fourth anniversary of the date of the  
17 appointment or reappointment.

18       (e) If Subsection (d) applies, the owner or owners of a  
19 majority of the assessed value of the real property in the district  
20 according to the most recent certified tax appraisal roll for the  
21 county may submit a petition to the Texas Commission on  
22 Environmental Quality requesting that the commission appoint as  
23 successor temporary directors the five persons named in the  
24 petition. The commission shall appoint as successor temporary  
25 directors the five persons named in the petition.

26                   SUBCHAPTER C. POWERS AND DUTIES

27       Sec. 3973.0301. GENERAL POWERS AND DUTIES. The district

1 has the powers and duties necessary to accomplish the purposes for  
2 which the district is created.

3 Sec. 3973.0302. IMPROVEMENT PROJECTS AND SERVICES. (a)

4 The district may provide, design, construct, acquire, improve,  
5 relocate, operate, maintain, or finance an improvement project or  
6 service using money available to the district, or contract with a  
7 governmental or private entity to provide, design, construct,  
8 acquire, improve, relocate, operate, maintain, or finance an  
9 improvement project or service authorized under this chapter or  
10 under Chapter 375, Local Government Code.

11 (b) An improvement project described by Subsection (a) may  
12 be located inside or outside the district.

13 Sec. 3973.0303. AUTHORITY FOR ROAD PROJECTS. Under Section

14 52, Article III, Texas Constitution, the district may own, operate,  
15 maintain, design, acquire, construct, finance, issue bonds, notes,  
16 or other obligations for, improve, and convey to this state, a  
17 county, or a municipality for ownership, operation, and maintenance  
18 macadamized, graveled, or paved roads or improvements, including  
19 storm drainage, in aid of those roads.

20 Sec. 3973.0304. CONVEYANCE AND APPROVAL OF ROAD PROJECT.

21 (a) The district may convey a road project authorized by Section  
22 3973.0303 to:

23 (1) a municipality or county that will operate and  
24 maintain the road if the municipality or county has approved the  
25 plans and specifications of the road project; or

26 (2) the state if the state will operate and maintain  
27 the road and the Texas Transportation Commission has approved the

1 plans and specifications of the road project.

2 (b) Except as provided by Subsection (c), the district shall  
3 operate and maintain a road project authorized by Section 3973.0303  
4 that the district implements and does not convey to a municipality,  
5 a county, or this state under Subsection (a).

6 (c) The district may agree in writing with a municipality, a  
7 county, or this state to assign operation and maintenance duties to  
8 the district, the municipality, the county, or this state in a  
9 manner other than the manner described in Subsections (a) and (b).

10 Sec. 3973.0305. DEVELOPMENT CORPORATION POWERS. The  
11 district, using money available to the district, may exercise the  
12 powers given to a development corporation under Chapter 505, Local  
13 Government Code, including the power to own, operate, acquire,  
14 construct, lease, improve, or maintain a project under that  
15 chapter.

16 Sec. 3973.0306. NONPROFIT CORPORATION. (a) The board by  
17 resolution may authorize the creation of a nonprofit corporation to  
18 assist and act for the district in implementing a project or  
19 providing a service authorized by this chapter.

20 (b) The nonprofit corporation:

21 (1) has each power of and is considered to be a local  
22 government corporation created under Subchapter D, Chapter 431,  
23 Transportation Code; and

24 (2) may implement any project and provide any service  
25 authorized by this chapter.

26 (c) The board shall appoint the board of directors of the  
27 nonprofit corporation. The board of directors of the nonprofit



1 corporation shall serve in the same manner as the board of directors  
2 of a local government corporation created under Subchapter D,  
3 Chapter 431, Transportation Code, except that a board member is not  
4 required to reside in the district.

5 Sec. 3973.0307. AGREEMENTS; GRANTS. (a) As provided by  
6 Chapter 375, Local Government Code, the district may make an  
7 agreement with or accept a gift, grant, or loan from any person.

8 (b) The implementation of a project is a governmental  
9 function or service for the purposes of Chapter 791, Government  
10 Code.

11 Sec. 3973.0308. LAW ENFORCEMENT SERVICES. To protect the  
12 public interest, the district may contract with a qualified party,  
13 including the county, to provide law enforcement services in the  
14 district.

15 Sec. 3973.0309. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.  
16 The district may join and pay dues to a charitable or nonprofit  
17 organization that performs a service or provides an activity  
18 consistent with the furtherance of a district purpose.

19 Sec. 3973.0310. ECONOMIC DEVELOPMENT. (a) The district  
20 may engage in activities that accomplish the economic development  
21 purposes of the district.

22 (b) The district may establish and provide for the  
23 administration of one or more programs to promote state or local  
24 economic development and to stimulate business and commercial  
25 activity in the district, including programs to:

26 (1) make loans and grants of public money; and

27 (2) provide district personnel and services.

1       (c) The district may create economic development programs  
2 and exercise the economic development powers provided to  
3 municipalities by:

4             (1) Chapter 380, Local Government Code; and

5             (2) Subchapter A, Chapter 1509, Government Code.

6       Sec. 3973.0311. PARKING FACILITIES. (a) The district may  
7 acquire, lease as lessor or lessee, construct, develop, own,  
8 operate, and maintain parking facilities or a system of parking  
9 facilities, including lots, garages, parking terminals, or other  
10 structures or accommodations for parking motor vehicles off the  
11 streets and related appurtenances.

12       (b) The district's parking facilities serve the public  
13 purposes of the district and are owned, used, and held for a public  
14 purpose even if leased or operated by a private entity for a term of  
15 years.

16       (c) The district's parking facilities are parts of and  
17 necessary components of a street and are considered to be a street  
18 or road improvement.

19       (d) The development and operation of the district's parking  
20 facilities may be considered an economic development program.

21       Sec. 3973.0312. NO TOLL ROADS. The district may not  
22 construct, acquire, maintain, or operate a toll road.

23       Sec. 3973.0313. RAIL FACILITIES. The district may  
24 construct, acquire, improve, maintain, and operate rail facilities  
25 and improvements in aid of those facilities.

26       Sec. 3973.0314. RURAL PUBLIC TRANSPORTATION POWERS. (a)  
27 The district may provide and coordinate rural public transportation

1 in its territory in the manner provided by Sections 458.010 and  
2 458.011, Transportation Code, for a rural transit district.

3 (b) Section 458.012(a), Transportation Code, does not apply  
4 to the operations of the district under Subsection (a).

5 Sec. 3973.0315. ANNEXATION OR EXCLUSION OF LAND. (a) The  
6 district may annex land as provided by Subchapter J, Chapter 49,  
7 Water Code.

8 (b) The district may exclude land as provided by Subchapter  
9 J, Chapter 49, Water Code. Section 375.044(b), Local Government  
10 Code, does not apply to the district.

11 Sec. 3973.0316. DIVISION OF DISTRICT. (a) The district may  
12 be divided into two or more new districts only if the district:

13 (1) has no outstanding bonded debt; and

14 (2) is not imposing ad valorem taxes.

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

18 (c) Any new district created by the division of the district  
19 may, at the time the new district is created, contain only:

20 (1) land within the area described by Section 2 of the  
21 Act enacting this chapter; or

22 (2) any land adjacent to the area described by Section  
23 2 of the Act enacting this chapter if that adjacent land is:

24 (A) not within the extraterritorial jurisdiction  
25 of a city; or

26 (B) within the extraterritorial jurisdiction of  
27 a city and that adjacent land has been approved for inclusion in the

1 district under an ordinance or resolution adopted by the city  
2 consenting to the inclusion.

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

7 (e) The board may adopt an order dividing the district  
8 before or after the date the board holds an election under Section  
9 3973.0204 to elect the district's permanent directors.

10 (f) An order dividing the district must:

11 (1) name each new district;

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

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

15 and

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

18 (g) On or before the 30th day after the date of adoption of  
19 an order dividing the district, the district shall file the order  
20 with the Texas Commission on Environmental Quality and record the  
21 order in the real property records of each county in which the  
22 district is located.

23 (h) Any new district created by the division of the district  
24 shall hold a permanent directors' election as required by Section  
25 3973.0204.

26 (i) Municipal consent by a city is not required for the  
27 creation of any new district created under this section.

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

6       (k) If the voters of a new district do not confirm the  
7 creation of the new district, the assets, obligations, territory,  
8 and governance of the new district revert to that of the original  
9 district.

10       Sec. 3973.0317. NO EMINENT DOMAIN POWER. The district may  
11 not exercise the power of eminent domain.

12       SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

13       Sec. 3973.0401. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
14 board by resolution shall establish the number of directors'  
15 signatures and the procedure required for a disbursement or  
16 transfer of district money.

17       Sec. 3973.0402. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
18 The district may acquire, construct, finance, operate, or maintain  
19 any improvement or service authorized under this chapter or Chapter  
20 375, Local Government Code, using any money available to the  
21 district.

22       Sec. 3973.0403. PETITION REQUIRED FOR FINANCING SERVICES  
23 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
24 service or improvement project with assessments under this chapter  
25 unless a written petition requesting that service or improvement  
26 has been filed with the board.

27       (b) A petition filed under Subsection (a) must be signed by

1 the owners of a majority of the assessed value of real property in  
2 the district subject to assessment according to the most recent  
3 certified tax appraisal roll for the county.

4 Sec. 3973.0404. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
5 The board by resolution may impose and collect an assessment for any  
6 purpose authorized by this chapter in all or any part of the  
7 district.

8 (b) An assessment, a reassessment, or an assessment  
9 resulting from an addition to or correction of the assessment roll  
10 by the district, penalties and interest on an assessment or  
11 reassessment, an expense of collection, and reasonable attorney's  
12 fees incurred by the district:

13 (1) are a first and prior lien against the property  
14 assessed;

15 (2) are superior to any other lien or claim other than  
16 a lien or claim for county, school district, or municipal ad valorem  
17 taxes; and

18 (3) are the personal liability of and a charge against  
19 the owners of the property even if the owners are not named in the  
20 assessment proceedings.

21 (c) The lien is effective from the date of the board's  
22 resolution imposing the assessment until the date the assessment is  
23 paid. The board may enforce the lien in the same manner that the  
24 board may enforce an ad valorem tax lien against real property.

25 (d) The board may make a correction to or deletion from the  
26 assessment roll that does not increase the amount of assessment of  
27 any parcel of land without providing notice and holding a hearing in

1 the manner required for additional assessments.

2 Sec. 3973.0405. RESIDENTIAL PROPERTY NOT EXEMPT. Section  
3 375.161, Local Government Code, does not apply to a tax authorized  
4 or approved by the voters of the district or a required payment for  
5 a service provided by the district, including water and sewer  
6 services.

7 Sec. 3973.0406. COMPETITIVE BIDDING. Subchapter I, Chapter  
8 49, Water Code, applies to the district. Sections 375.221 and  
9 375.223, Local Government Code, do not apply to the district.

10 Sec. 3973.0407. TAX AND ASSESSMENT ABATEMENTS. The  
11 district may designate reinvestment zones and may grant abatements  
12 of district taxes or assessments on property in the zones.

13 SUBCHAPTER E. TAXES AND BONDS

14 Sec. 3973.0501. ELECTIONS REGARDING TAXES AND BONDS. (a)  
15 The district may issue, without an election, bonds, notes, and  
16 other obligations secured by:

17 (1) revenue other than ad valorem taxes or sales and  
18 use taxes; or

19 (2) contract payments described by Section 3973.0503.

20 (b) The district must hold an election in the manner  
21 provided by Subchapter L, Chapter 375, Local Government Code, to  
22 obtain voter approval before the district may impose an ad valorem  
23 tax or issue bonds payable from ad valorem taxes.

24 (c) Section 375.243, Local Government Code, does not apply  
25 to the district.

26 (d) All or any part of any facilities or improvements that  
27 may be acquired by a district by the issuance of its bonds may be

1 submitted as a single proposition or as several propositions to be  
2 voted on at the election.

3 Sec. 3973.0502. OPERATION AND MAINTENANCE TAX. (a) If  
4 authorized by a majority of the district voters voting at an  
5 election held in accordance with Section 3973.0501, the district  
6 may impose an operation and maintenance tax on taxable property in  
7 the district in accordance with Section 49.107, Water Code, for any  
8 district purpose, including to:

9 (1) maintain and operate the district;

10 (2) construct or acquire improvements; or

11 (3) provide a service.

12 (b) The board shall determine the tax rate. The rate may not  
13 exceed the rate approved at the election.

14 (c) Section 49.107(h), Water Code, does not apply to the  
15 district.

16 Sec. 3973.0503. CONTRACT TAXES. (a) In accordance with  
17 Section 49.108, Water Code, the district may impose a tax other than  
18 an operation and maintenance tax and use the revenue derived from  
19 the tax to make payments under a contract after the provisions of  
20 the contract have been approved by a majority of the district voters  
21 voting at an election held for that purpose.

22 (b) A contract approved by the district voters may contain a  
23 provision stating that the contract may be modified or amended by  
24 the board without further voter approval.

25 Sec. 3973.0504. AUTHORITY TO BORROW MONEY AND TO ISSUE  
26 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on  
27 terms determined by the board. Section 375.205, Local Government



1 Code, does not apply to a loan, line of credit, or other borrowing  
2 from a bank or financial institution secured by revenue other than  
3 ad valorem taxes.

4 (b) The district may issue bonds, notes, or other  
5 obligations payable wholly or partly from ad valorem taxes,  
6 assessments, impact fees, revenue, contract payments, grants, or  
7 other district money, or any combination of those sources of money,  
8 to pay for any authorized district purpose.

9 Sec. 3973.0505. TAXES FOR BONDS. At the time the district  
10 issues bonds payable wholly or partly from ad valorem taxes, the  
11 board shall provide for the annual imposition of a continuing  
12 direct annual ad valorem tax, without limit as to rate or amount,  
13 for each year that all or part of the bonds are outstanding as  
14 required and in the manner provided by Sections 54.601 and 54.602,  
15 Water Code.

16 Sec. 3973.0506. BONDS FOR ROAD PROJECTS. At the time of  
17 issuance, the total principal amount of bonds or other obligations  
18 issued or incurred to finance road projects and payable from ad  
19 valorem taxes may not exceed one-fourth of the assessed value of the  
20 real property in the district.

21 SUBCHAPTER F. SALES AND USE TAX

22 Sec. 3973.0601. APPLICABILITY OF CERTAIN TAX CODE  
23 PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition,  
24 computation, administration, enforcement, and collection of the  
25 sales and use tax authorized by this subchapter except to the extent  
26 Chapter 321, Tax Code, is inconsistent with this chapter.

27 (b) A reference in Chapter 321, Tax Code, to a municipality

1 or the governing body of a municipality is a reference to the  
2 district or the board, respectively.

3 Sec. 3973.0602. ELECTION; ADOPTION OF TAX. (a) The  
4 district may adopt a sales and use tax if authorized by a majority  
5 of the voters of the district voting at an election held for that  
6 purpose.

7 (b) The board by order may call an election to authorize the  
8 adoption of the sales and use tax. The election may be held on any  
9 uniform election date and in conjunction with any other district  
10 election.

11 (c) The ballot shall be printed to provide for voting for or  
12 against the proposition: "Authorization of a sales and use tax in  
13 the Tarkington Management District No. 1 of Liberty County at a  
14 rate not to exceed \_\_\_\_ percent" (insert rate of one or more  
15 increments of one-eighth of one percent).

16 Sec. 3973.0603. SALES AND USE TAX RATE. (a) On or after the  
17 date the results are declared of an election held under Section  
18 3973.0602, at which the voters approved imposition of the tax  
19 authorized by this subchapter, the board shall determine and adopt  
20 by resolution or order the initial rate of the tax, which must be in  
21 one or more increments of one-eighth of one percent.

22 (b) After the election held under Section 3973.0602, the  
23 board may increase or decrease the rate of the tax by one or more  
24 increments of one-eighth of one percent.

25 (c) The initial rate of the tax or any rate resulting from  
26 subsequent increases or decreases may not exceed the lesser of:

27 (1) the maximum rate authorized by the district voters

1 at the election held under Section 3973.0602; or

2 (2) a rate that, when added to the rates of all sales  
3 and use taxes imposed by other political subdivisions with  
4 territory in the district, would result in the maximum combined  
5 rate prescribed by Section 321.101(f), Tax Code, at any location in  
6 the district.

7 Sec. 3973.0604. TAX AFTER MUNICIPAL ANNEXATION. (a) This  
8 section applies to the district after a municipality annexes part  
9 of the territory in the district and imposes the municipality's  
10 sales and use tax in the annexed territory.

11 (b) If at the time of annexation the district has  
12 outstanding debt or other obligations payable wholly or partly from  
13 district sales and use tax revenue, Section 321.102(g), Tax Code,  
14 applies to the district.

15 (c) If at the time of annexation the district does not have  
16 outstanding debt or other obligations payable wholly or partly from  
17 district sales and use tax revenue, the district may exclude the  
18 annexed territory from the district, if the district has no  
19 outstanding debt or other obligations payable from any source.

20 Sec. 3973.0605. NOTIFICATION OF RATE CHANGE. The board  
21 shall notify the comptroller of any changes made to the tax rate  
22 under this subchapter in the same manner the municipal secretary  
23 provides notice to the comptroller under Section 321.405(b), Tax  
24 Code.

25 Sec. 3973.0606. USE OF REVENUE. Revenue from the sales and  
26 use tax imposed under this subchapter is for the use and benefit of  
27 the district and may be used for any district purpose. The district

1 may pledge all or part of the revenue to the payment of bonds,  
2 notes, or other obligations, and that pledge of revenue may be in  
3 combination with other revenue, including tax revenue, available to  
4 the district.

5 Sec. 3973.0607. ABOLITION OF TAX. (a) Except as provided  
6 by Subsection (b), the board may abolish the tax imposed under this  
7 subchapter without an election.

8 (b) The board may not abolish the tax imposed under this  
9 subchapter if the district has outstanding debt secured by the tax,  
10 and repayment of the debt would be impaired by the abolition of the  
11 tax.

12 (c) If the board abolishes the tax, the board shall notify  
13 the comptroller of that action in the same manner the municipal  
14 secretary provides notice to the comptroller under Section  
15 321.405(b), Tax Code.

16 (d) If the board abolishes the tax or decreases the tax rate  
17 to zero, a new election to authorize a sales and use tax must be held  
18 under Section 3973.0602 before the district may subsequently impose  
19 the tax.

20 SUBCHAPTER G. DEFINED AREAS

21 Sec. 3973.0701. AUTHORITY TO ESTABLISH DEFINED AREAS OR  
22 DESIGNATED PROPERTY. The district may define areas or designate  
23 certain property of the district to pay for improvements,  
24 facilities, or services that primarily benefit that area or  
25 property and do not generally and directly benefit the district as a  
26 whole.

27 Sec. 3973.0702. PROCEDURE FOR ELECTION. (a) Before the

1 district may impose an ad valorem tax or issue bonds payable from ad  
2 valorem taxes of the defined area or designated property, the board  
3 shall hold an election in the defined area or in the designated  
4 property only.

5 (b) The board may submit the issues to the voters on the same  
6 ballot to be used in another election.

7 Sec. 3973.0703. DECLARING RESULT AND ISSUING ORDER. (a) If  
8 a majority of the voters voting at the election approve the  
9 proposition or propositions, the board shall declare the results  
10 and, by order, shall establish the defined area and describe it by  
11 metes and bounds or designate the specific property.

12 (b) A court may not review the board's order except on the  
13 ground of fraud, palpable error, or arbitrary and confiscatory  
14 abuse of discretion.

15 Sec. 3973.0704. TAXES FOR SERVICES, IMPROVEMENTS, AND  
16 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter  
17 approval and adoption of the order described by Section 3973.0703,  
18 the district may apply separately, differently, equitably, and  
19 specifically its taxing power and lien authority to the defined  
20 area or designated property to provide money to construct,  
21 administer, maintain, and operate services, improvements, and  
22 facilities that primarily benefit the defined area or designated  
23 property.

24 Sec. 3973.0705. ISSUANCE OF BONDS FOR DEFINED AREA OR  
25 DESIGNATED PROPERTY. After the order under Section 3973.0703 is  
26 adopted, the district may issue bonds to provide for any land,  
27 improvements, facilities, plants, equipment, and appliances for

1 the defined area or designated property.

2 Sec. 3973.0706. ADDITION OR EXCLUSION OF LAND IN DEFINED  
3 AREA. The district may add or exclude land from the defined areas  
4 in the same manner the district may add or exclude land from the  
5 district.

6 SECTION 2. The Tarkington Management District No. 1 of  
7 Liberty County initially includes all territory contained in the  
8 following area:

9 807.65 acres of land, situated in the Hugh Means Survey, Abstract  
10 78, Liberty County, Texas, and being a part of that certain 1846.69  
11 acre tract described in a Deed from Southland Timberlands V, L.P. to  
12 Tarkington Realty, Ltd., recorded in Liberty County Clerk's File  
13 2006008680, said 807.65 acres being more particularly described as  
14 follows:

15 BEGINNING at a 3 inch by 3 inch concrete monument stamped "Kirby NWC  
16 Hugh Means" found for the Northwest corner of the herein described  
17 tract at the Northwest corner of the Hugh Means Survey, Abstract 78,  
18 and the Northwest corner of said 1846.69 acre tract;

19 THENCE North 88 deg. 01 min. 32 sec. East, along the North line of  
20 the Means Survey, being the North line of said 1846.69 acre tract, a  
21 distance of 33.30 feet to a 6 inch by 6 inch concrete monument found  
22 at the Southwest corner of the I. L. Hanson Survey, Abstract 282;

23 THENCE North 87 deg. 28 min. 03 sec. East, along the common line of  
24 the Means Survey and the Hanson Survey, being the North line of said  
25 1846.69 acre tract and the South line of the Alvin David Stetson  
26 tract recorded in Clerk's File 2015023380, a distance of 3442.50  
27 feet to a concrete monument stamped "Kirby 3-166" found at the

1 Southeast corner of the Hanson Survey and the Southwest corner of  
2 the John R. Faulk Survey, Abstract 34;  
3 THENCE North 86 deg. 55 min. 34 sec. East, along the common lines of  
4 the Means Survey and the Faulk Survey, being the North line of said  
5 1846.69 acre tract and the South line of the Jorge Lopez tract  
6 described in Clerk's File 2007014457, a distance of 1787.22 feet to  
7 a 3/4 inch iron rod found for the Northeast corner of the herein  
8 described tract at the Northeast corner of said 1846.69 acre tract,  
9 said point being in the West right of way line of State Highway 321  
10 (100.0 feet wide at this point);  
11 THENCE South 22 deg. 01 min. 29 sec. East, along the West  
12 right-of-way line of State Highway 321 and the East line of said  
13 1846.69 acre tract, a distance of 2084.38 feet to a concrete  
14 monument found at the P.C. of a curve to the left;  
15 THENCE along the West right-of-way line of State Highway 321  
16 (right-of-way varies) and the East line of said 1846.69 acre tract,  
17 following said curve to the left having a Radius of 5779.59 feet,  
18 Central Angle of a 01 deg. 35 min. 23 sec., Chord Bearing and  
19 Distance of South 22 deg. 51 min. 20 sec. East - 160.35 feet, for an  
20 arc distance of 160.36 feet to a concrete monument found at the P.T.  
21 of said curve;  
22 THENCE South 18 deg. 29 min. East, along the West right-of-way line  
23 of State Highway 321 and the East line of said 1846.69 acre tract, a  
24 distance of 101.28 feet to a concrete monument found at the P.C. of  
25 a curve left;  
26 THENCE along the West right-of-way line of State Highway 21  
27 (right-of-way varies) and the East line of said 1846.69 acre tract,

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1 following said curve to the left having a Radius of 5789.59 feet,  
2 Central Angle of 10 deg. 49 min. 44 sec., Chord Bearing and a  
3 Distance of South 30 deg. 03 min. 47 sec. East - 1092.60 feet, for an  
4 arc distance of 1094.23 feet to a concrete monument found at the  
5 P.T. of said curve;

6 THENCE South 35 deg. 28 min. 53 sec. East, along the West  
7 right-of-way line of State Highway 321 (right-of-way 110.0 feet  
8 wide at this point) and the East line of said 1846.69 acre tract, a  
9 distance of 2708.35 feet to a 1/2 inch iron rod found for the  
10 Southeast corner of the herein described tract at the upper  
11 Southeast corner of said 1846.69 acre tract, the Northeast corner  
12 of a 6.87 acre Save and Except Tract described in the a deed to  
13 Southland Timberlands V, L.P. recorded in Clerk's File 2003009246;

14 THENCE South 87 deg. 23 min. 32 sec. West, along the North line of  
15 said 6.87 acre Save and Except Tract, a distance of 3334.49 feet to  
16 a fence post found at the Northwest corner of said 6.87 acre tract  
17 and the upper Northeast corner of a 638.36 acre tract described in a  
18 deed to Roli Holdings, L.P. recorded in Clerk's File 2013010569;

19 THENCE South 87 deg. 23 min. 05 sec. West, along the North line of  
20 said 638.36 acre tract, at 4683.36 feet pass a 5/8 inch iron rod  
21 capped "RPLS 5815" found, and continue for a total distance of  
22 4684.17 feet to a point marking the Southwest corner of the herein  
23 described tract at the Northwest corner of said 638.36 acre tract,  
24 said point being in the West line of the Means Survey, the East line  
25 of the H. & T.C. R.R. Company Survey No. 150, Abstract 833, the West  
26 line of said 1846.69 acre tract, and the East line of the Joseph H.  
27 Ceaser, Jr. tract describe in Clerk's File 2007008678;



1 THENCE North 03 deg. 40 min. 53 sec. West, along the common line of  
2 the Means Survey and the H.&T.C. R.R. Company Survey No. 150, being  
3 the West line of said 1846.69 acre tract and the East line of the  
4 Ceaser tract, a distance of 1305.65 feet to a 3 inch by 3 inch  
5 concrete monument stamped "Kirby SEc H&TC WL H Means" found at the  
6 Northeast corner of the H.&T.C. R.R. Company Survey No. 150, the  
7 Southeast corner of the H. & T.C. R.R. Company Survey No. 149,  
8 Abstract 232, the Northeast corner of the Ceaser tract, and the  
9 Southeast corner of the William B. Krizak tract described in  
10 Clerk's File 2009017836;

11 THENCE North 02 deg. 11 min. 16 sec. West, along the common line of  
12 the Means Survey and the H.&T.C. R.R. Company Survey No. 149, being  
13 the West line of said 1846.69 acre tract and the East line of the  
14 Krizak tract, the Heriberto Cisneros tract described in Clerk's  
15 File 2009009858, The Heriberto Cisneros tract described in Clerk's  
16 File 2017006032, and the Johnnie Hooper tract described in Clerk's  
17 File 2016002265, at 2138.84 feet pass a 1/2 inch iron rod found at  
18 the Northeast corner of the Hooper tract and the Southeast corner of  
19 a tract described in Clerk's File 2018001388, and continue along  
20 the East line of said tract and tracts described in Clerk's File  
21 2014013993, Clerk's File 2013003296, Clerk's File 2013010371,  
22 Clerk's File 2012002326; Clerk's File 2016007673; Clerk's File  
23 2015007509; Clerk's File 2012012985; Clerk's File 2009007977, and  
24 Clerk's File 2010011389 for a total distance of 4143.56 feet to the  
25 PLACE OF BEGINNING and containing 807.65 acres of land.

26 SECTION 3. (a) The legal notice of the intention to  
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a  
2 copy of this Act have been furnished to all persons, agencies,  
3 officials, or entities to which they are required to be furnished  
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5 Government Code.

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

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

13 (d) The general law relating to consent by political  
14 subdivisions to the creation of districts with conservation,  
15 reclamation, and road powers and the inclusion of land in those  
16 districts has been complied with.

17 (e) All requirements of the constitution and laws of this  
18 state and the rules and procedures of the legislature with respect  
19 to the notice, introduction, and passage of this Act have been  
20 fulfilled and accomplished.

21 SECTION 4. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2019.