

By: Burns

H.B. No. 4723

Substitute the following for H.B. No. 4723:

By: Craddick

C.S.H.B. No. 4723

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Belmont Municipal Utility District of Johnson County; 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 7896 to read as follows:

CHAPTER 7896. BELMONT MUNICIPAL UTILITY DISTRICT OF JOHNSON

COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7896.0101. 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 Belmont Municipal Utility District of Johnson County.

Sec. 7896.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7896.0103. 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.

1 Sec. 7896.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7896.0103 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 7896.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

8 (a) The district is created to serve a public purpose and benefit.

9 (b) The district is created to accomplish the purposes of:

10 (1) a municipal utility district as provided by
11 general law and Section 59, Article XVI, Texas Constitution; and

12 (2) Section 52, Article III, Texas Constitution, that
13 relate to the construction, acquisition, improvement, operation,
14 or maintenance of macadamized, graveled, or paved roads, or
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 7896.0106. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

19 (b) The boundaries and field notes contained in Section 2 of
20 the Act enacting this chapter form a closure. A mistake made in the
21 field notes or in copying the field notes in the legislative process
22 does not affect the district's:

23 (1) organization, existence, or validity;

24 (2) right to issue any type of bond for the purposes
25 for which the district is created or to pay the principal of and
26 interest on a bond;

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 7896.0201. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 7896.0202, directors
6 serve staggered four-year terms.

7 Sec. 7896.0202. TEMPORARY DIRECTORS. (a) On or after
8 September 1, 2019, the owner or owners of a majority of the assessed
9 value of the real property in the district may submit a petition to
10 the commission requesting that the commission appoint as temporary
11 directors the five persons named in the petition. The commission
12 shall appoint as temporary directors the five persons named in the
13 petition.

14 (b) Temporary directors serve until the earlier of:

15 (1) the date permanent directors are elected under
16 Section 7896.0103; or

17 (2) September 1, 2023.

18 (c) If permanent directors have not been elected under
19 Section 7896.0103 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

23 (1) the date permanent directors are elected under
24 Section 7896.0103; or

25 (2) the fourth anniversary of the date of the
26 appointment or reappointment.

27 (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district
2 may submit a petition to the commission requesting that the
3 commission appoint as successor temporary directors the five
4 persons named in the petition. The commission shall appoint as
5 successor temporary directors the five persons named in the
6 petition.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 7896.0301. GENERAL POWERS AND DUTIES. The district
9 has the powers and duties necessary to accomplish the purposes for
10 which the district is created.

11 Sec. 7896.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 7896.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
17 52, Article III, Texas Constitution, the district may design,
18 acquire, construct, finance, issue bonds for, improve, operate,
19 maintain, and convey to this state, a county, or a municipality for
20 operation and maintenance macadamized, graveled, or paved roads, or
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 7896.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
23 road project must meet all applicable construction standards,
24 zoning and subdivision requirements, and regulations of each
25 municipality in whose corporate limits or extraterritorial
26 jurisdiction the road project is located.

27 (b) If a road project is not located in the corporate limits

1 or extraterritorial jurisdiction of a municipality, the road
2 project must meet all applicable construction standards,
3 subdivision requirements, and regulations of each county in which
4 the road project is located.

5 (c) If the state will maintain and operate the road, the
6 Texas Transportation Commission must approve the plans and
7 specifications of the road project.

8 Sec. 7896.0305. COMPLIANCE WITH MUNICIPAL CONSENT
9 ORDINANCE OR RESOLUTION. The district shall comply with all
10 applicable requirements of any ordinance or resolution that is
11 adopted under Section 54.016 or 54.0165, Water Code, and that
12 consents to the creation of the district or to the inclusion of land
13 in the district.

14 Sec. 7896.0306. DIVISION OF DISTRICT. (a) The district may
15 be divided into two or more new districts only if the district:

16 (1) has no outstanding bonded debt; and

17 (2) is not imposing ad valorem taxes.

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

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

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

1 district.

2 (e) The board may adopt an order dividing the district
3 before or after the date the board holds an election under Section
4 7896.0103 to confirm the district's creation.

5 (f) An order dividing the district must:

6 (1) name each new district;

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

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

10 and

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

13 (g) On or before the 30th day after the date of adoption of
14 an order dividing the district, the district shall file the order
15 with the commission and record the order in the real property
16 records of each county in which the district is located.

17 (h) Any new district created by the division of the district
18 shall hold a confirmation and directors' election as required by
19 Section 7896.0103. If the voters of a new district do not confirm
20 the creation of the new district, the assets, obligations,
21 territory, and governance of the new district revert to the
22 original district.

23 (i) Municipal consent to the creation of the district and to
24 the inclusion of land in the district granted under Section
25 7896.0104 acts as municipal consent to the creation of any new
26 district created by the division of the district and to the
27 inclusion of land in the new district.

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.

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

8 Sec. 7896.0307. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

10 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

11 Sec. 7896.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
12 The district may issue, without an election, bonds and other
13 obligations secured by:

14 (1) revenue other than ad valorem taxes; or

15 (2) contract payments described by Section 7896.0403.

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

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

24 Sec. 7896.0402. OPERATION AND MAINTENANCE TAX. (a) If
25 authorized at an election held under Section 7896.0401, the
26 district may impose an operation and maintenance tax on taxable
27 property in the district in accordance with Section 49.107, Water

1 Code.

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

4 Sec. 7896.0403. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

14 Sec. 7896.0501. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, or other district money, or any
18 combination of those sources, to pay for any authorized district
19 purpose.

20 Sec. 7896.0502. TAXES FOR BONDS. At the time the district
21 issues bonds payable wholly or partly from ad valorem taxes, the
22 board shall provide for the annual imposition of a continuing
23 direct ad valorem tax, without limit as to rate or amount, while all
24 or part of the bonds are outstanding as required and in the manner
25 provided by Sections 54.601 and 54.602, Water Code.

26 Sec. 7896.0503. BONDS FOR ROAD PROJECTS. At the time of
27 issuance, the total principal amount of bonds or other obligations

1 issued or incurred to finance road projects and payable from ad
2 valorem taxes may not exceed one-fourth of the assessed value of the
3 real property in the district.

4 SECTION 2. The Belmont Municipal Utility District of
5 Johnson County initially includes all the territory contained in
6 the following area:

7 BEING 502.94 acres out of the P.S. DOSS SURVEY, ABSTRACT
8 NUMBER 197 and the JOHNSON COUNTY SCHOOL LANDS SURVEY, ABSTRACT
9 NUMBER 443, Johnson County, Texas and being those certain tracts of
10 land conveyed to MAAK Enterprises, LP (318.94 acres), according to
11 the deed recorded in Volume 2289, Page 289, Deed Records of Johnson
12 County, Texas and to Roy King Carrell according to the deed recorded
13 in Volume 2289, Page 293, Deed Records of Johnson County, Texas and
14 being more particularly described as follows:

15 BEGINNING at a the northeast corner of said Carrell tract,
16 said point being in the apparent centerline of County Road 1006;

17 THENCE, South, along the apparent centerline of said County
18 Road 1006, at 1883.4 feet passing the southeast corner of said
19 Carell tract and the northeast corner of said MAAK tract and
20 continuing in all a distance of 5660.9 feet to a point for corner,
21 being the southeast corner of said MAAK tract;

22 THENCE, West, along the existing north right-of-way line of
23 FM 917, 3677.8 feet to a point for corner, being the southwest
24 corner of said MAAK tract;

25 THENCE, North, along the west line of said MAAK tract, 3777.5
26 feet to a point for corner, said point being in the south line of
27 said Carrell tract and also being the northwest corner of said MAAK

1 tract;

2 THENCE, West, along the south line of said Carrell tract,
3 577.8 feet to a point for corner, being the southwest corner of said
4 Carrell tract;

5 THENCE, North, along the west line of said Carrell tract,
6 1883.4 feet to a point for corner, being the northwest corner of
7 said Carrell tract;

8 THENCE, East, along the north line of said Carrell tract,
9 4255.6 feet to the POINT OF BEGINNING.

10 The tract of land herein described contains 502.94 acres of
11 land.

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

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

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

26 (d) All requirements of the constitution and laws of this
27 state and the rules and procedures of the legislature with respect

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1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

3 SECTION 4. This Act takes effect September 1, 2019.