

1-1 By: Creighton S.B. No. 2460
1-2 (In the Senate - Filed March 26, 2019; March 27, 2019, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 23, 2019, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; April 23, 2019, 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 Wood Trace Water Control and
1-18 Improvement District of Montgomery County, Texas; granting a
1-19 limited power of eminent domain; providing authority to issue
1-20 bonds; providing authority to impose assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle I, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 9084 to read as follows:

1-24 CHAPTER 9084. WOOD TRACE WATER CONTROL AND IMPROVEMENT DISTRICT
1-25 OF MONTGOMERY COUNTY, TEXAS

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 9084.0101. 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 Wood Trace Water Control and
1-33 Improvement District of Montgomery County, Texas.

1-34 Sec. 9084.0102. NATURE OF DISTRICT. The district is a water
1-35 control and improvement district created under Section 59, Article
1-36 XVI, Texas Constitution.

1-37 Sec. 9084.0103. CONFIRMATION AND DIRECTORS' 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. 9084.0104. CONSENT OF MUNICIPALITY REQUIRED. The
1-42 temporary directors may not hold an election under Section
1-43 9084.0103 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. 9084.0105. 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 water control and improvement district as
1-51 provided by general law and Section 59, Article XVI, Texas
1-52 Constitution, including the collection, transportation,
1-53 processing, disposal, and control of domestic, industrial, or
1-54 communal waste and the gathering, conducting, diverting, and
1-55 control of local stormwater or other harmful excesses of water; and

1-56 (2) Section 52, Article III, Texas Constitution, that
1-57 relate to the construction, acquisition, improvement, operation,
1-58 or maintenance of macadamized, graveled, or paved roads, or
1-59 improvements, including storm drainage, in aid of those roads.

1-60 Sec. 9084.0106. INITIAL DISTRICT TERRITORY. (a) The
1-61 district is initially composed of the territory described by

2-1 Section 2 of the Act enacting this chapter.
 2-2 (b) The boundaries and field notes contained in Section 2 of
 2-3 the Act enacting this chapter form a closure. A mistake made in the
 2-4 field notes or in copying the field notes in the legislative process
 2-5 does not affect the district's:
 2-6 (1) organization, existence, or validity;
 2-7 (2) right to issue any type of bond for the purposes
 2-8 for which the district is created or to pay the principal of and
 2-9 interest on a bond;
 2-10 (3) right to impose a tax; or
 2-11 (4) legality or operation.
 2-12 SUBCHAPTER B. BOARD OF DIRECTORS
 2-13 Sec. 9084.0201. GOVERNING BODY; TERMS. (a) The district
 2-14 is governed by a board of five elected directors.
 2-15 (b) Except as provided by Section 9084.0202, directors
 2-16 serve staggered four-year terms.
 2-17 Sec. 9084.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-18 effective date of the Act enacting this chapter, the owner or owners
 2-19 of a majority of the assessed value of the real property in the
 2-20 district may submit a petition to the commission requesting that
 2-21 the commission appoint as temporary directors the five persons
 2-22 named in the petition. The commission shall appoint as temporary
 2-23 directors the five persons named in the petition.
 2-24 (b) Temporary directors serve until the earlier of:
 2-25 (1) the date permanent directors are elected under
 2-26 Section 9084.0103; or
 2-27 (2) the fourth anniversary of the effective date of
 2-28 the Act enacting this chapter.
 2-29 (c) If permanent directors have not been elected under
 2-30 Section 9084.0103 and the terms of the temporary directors have
 2-31 expired, successor temporary directors shall be appointed or
 2-32 reappointed as provided by Subsection (d) to serve terms that
 2-33 expire on the earlier of:
 2-34 (1) the date permanent directors are elected under
 2-35 Section 9084.0103; or
 2-36 (2) the fourth anniversary of the date of the
 2-37 appointment or reappointment.
 2-38 (d) If Subsection (c) applies, the owner or owners of a
 2-39 majority of the assessed value of the real property in the district
 2-40 may submit a petition to the commission requesting that the
 2-41 commission appoint as successor temporary directors the five
 2-42 persons named in the petition. The commission shall appoint as
 2-43 successor temporary directors the five persons named in the
 2-44 petition.
 2-45 SUBCHAPTER C. POWERS AND DUTIES
 2-46 Sec. 9084.0301. GENERAL POWERS AND DUTIES. The district
 2-47 has the powers and duties necessary to accomplish the purposes for
 2-48 which the district is created.
 2-49 Sec. 9084.0302. WATER CONTROL AND IMPROVEMENT DISTRICT
 2-50 POWERS AND DUTIES. The district has the powers and duties provided
 2-51 by the general law of this state, including Chapters 49 and 51,
 2-52 Water Code, applicable to water control and improvement districts
 2-53 created under Section 59, Article XVI, Texas Constitution, and
 2-54 specifically including the powers and duties authorized under
 2-55 Subchapter H, Chapter 51, Water Code.
 2-56 Sec. 9084.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-57 52, Article III, Texas Constitution, the district may design,
 2-58 acquire, construct, finance, issue bonds for, improve, operate,
 2-59 maintain, and convey to this state, a county, or a municipality for
 2-60 operation and maintenance macadamized, graveled, or paved roads, or
 2-61 improvements, including storm drainage, in aid of those roads.
 2-62 Sec. 9084.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-63 road project must meet all applicable construction standards,
 2-64 zoning and subdivision requirements, and regulations of each
 2-65 municipality in whose corporate limits or extraterritorial
 2-66 jurisdiction the road project is located.
 2-67 (b) If a road project is not located in the corporate limits
 2-68 or extraterritorial jurisdiction of a municipality, the road
 2-69 project must meet all applicable construction standards, zoning and

3-1 subdivision requirements, and regulations of each county in which
3-2 the road project is located.

3-3 (c) If the state will maintain and operate the road, the
3-4 Texas Transportation Commission must approve the plans and
3-5 specifications of the road project.

3-6 Sec. 9084.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-7 ORDINANCE OR RESOLUTION. The district shall comply with all
3-8 applicable requirements of any ordinance or resolution that is
3-9 adopted under Section 42.042 or 42.0425, Local Government Code, and
3-10 consents to the creation of the district or to the inclusion of land
3-11 in the district.

3-12 Sec. 9084.0306. LIMITATION ON USE OF EMINENT DOMAIN. The
3-13 district may not exercise the power of eminent domain outside the
3-14 district boundaries to acquire a site or easement for:

3-15 (1) a recreational facility, as defined by Section
3-16 49.462, Water Code; or

3-17 (2) a road project authorized by Section 9084.0303.

3-18 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-19 Sec. 9084.0401. ELECTIONS REGARDING TAXES OR BONDS.

3-20 (a) The district may issue, without an election, bonds and other
3-21 obligations secured by:

3-22 (1) revenue other than ad valorem taxes; or

3-23 (2) contract payments described by Section 9084.0403.

3-24 (b) The district must hold an election in the manner
3-25 provided by Chapters 49 and 51, Water Code, to obtain voter approval
3-26 before the district may impose an ad valorem tax or issue bonds
3-27 payable from ad valorem taxes.

3-28 (c) The district may not issue bonds payable from ad valorem
3-29 taxes to finance a road project unless the issuance is approved by a
3-30 vote of a two-thirds majority of the district voters voting at an
3-31 election held for that purpose.

3-32 Sec. 9084.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-33 authorized at an election held under Section 9084.0401, the
3-34 district may impose an operation and maintenance tax on taxable
3-35 property in the district in accordance with Section 49.107, Water
3-36 Code.

3-37 (b) The board shall determine the tax rate. The rate may not
3-38 exceed the rate approved at the election.

3-39 Sec. 9084.0403. CONTRACT TAXES. (a) In accordance with
3-40 Section 49.108, Water Code, the district may impose a tax other than
3-41 an operation and maintenance tax and use the revenue derived from
3-42 the tax to make payments under a contract after the provisions of
3-43 the contract have been approved by a majority of the district voters
3-44 voting at an election held for that purpose.

3-45 (b) A contract approved by the district voters may contain a
3-46 provision stating that the contract may be modified or amended by
3-47 the board without further voter approval.

3-48 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-49 Sec. 9084.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-50 OBLIGATIONS. The district may issue bonds or other obligations
3-51 payable wholly or partly from ad valorem taxes, impact fees,
3-52 revenue, contract payments, grants, or other district money, or any
3-53 combination of those sources, to pay for any authorized district
3-54 purpose.

3-55 Sec. 9084.0502. TAXES FOR BONDS. At the time the district
3-56 issues bonds payable wholly or partly from ad valorem taxes, the
3-57 board shall provide for the annual imposition of a continuing
3-58 direct ad valorem tax, without limit as to rate or amount, while all
3-59 or part of the bonds are outstanding as required and in the manner
3-60 provided by Chapter 51, Water Code.

3-61 Sec. 9084.0503. BONDS FOR ROAD PROJECTS. At the time of
3-62 issuance, the total principal amount of bonds or other obligations
3-63 issued or incurred to finance road projects and payable from ad
3-64 valorem taxes may not exceed one-fourth of the assessed value of the
3-65 real property in the district.

3-66 Sec. 9084.0504. BONDS FOR RECREATIONAL FACILITIES.

3-67 (a) The district may develop recreational facilities and issue
3-68 bonds for recreational facilities as provided by Chapter 49, Water
3-69 Code, regardless of whether the district's territory overlaps with

4-1 the territory of a political subdivision that is authorized to
 4-2 develop recreational facilities and issue bonds for recreational
 4-3 facilities under Chapter 49, Water Code.

4-4 (b) The authority of the district to develop recreational
 4-5 facilities and issue bonds for recreational facilities under this
 4-6 section does not limit the authority of another political
 4-7 subdivision whose territory the territory of the district may
 4-8 overlap, wholly or partly, to develop recreational facilities and
 4-9 issue bonds for recreational facilities under Chapter 49, Water
 4-10 Code.

4-11 SECTION 2. The Wood Trace Water Control and Improvement
 4-12 District of Montgomery County, Texas, initially includes all the
 4-13 territory contained in the following area:

4-14 A description of a 489.92-acre tract of land situated in the
 4-15 B.B.B. & C. RR. Survey, a-110, B.B.B. & C. RR. Survey, A-111 and the
 4-16 E.R. Hale Survey, A-264, Montgomery County, Texas; said 489.9-acres
 4-17 being more particularly described by metes and bounds as follows:

4-18 Being a 489.919-acre tract of land situated in Montgomery
 4-19 County, Texas in the B.B.B. & C. RR. Survey, A-110, B.B.B. & C. RR.
 4-20 Survey, A-111 and the E.R. Hale Survey, A-264, and being more
 4-21 particularly described by metes and bounds with all control
 4-22 referred to in the State Department of Highways and Public
 4-23 Transportation Surface Coordinates bases on the Texas State Plane
 4-24 Coordinate System, Central Zone:

4-25 Beginning at the north corner of the B.B.B. & C RR. Survey,
 4-26 A-110, common to the east corner of the Henry Studz Survey, A-513,
 4-27 located in the southwest line of the J. D. Cochran Survey, A-123;

4-28 1. Thence, along the southwest line of said J. D. Cochran
 4-29 Survey, A-123 common to the northwest line of said B.B.B. & C. RR.
 4-30 Survey, A-110, S 47°50'58" E, at 2,921.27 feet pass the northwest
 4-31 corner of the E. R. Hale Survey, A-264, in all a total distance of
 4-32 4,721.76 feet to the south corner of said J.D. Cochran Survey, A-123
 4-33 in the north line of said E R. Hale Survey, A-264;

4-34 2. Thence, along the southeast line of said J.D. Cochran
 4-35 Survey, A-123, common to the northerly line of said E. R. Hale
 4-36 Survey, A-264, N 41°32'47" E, 1,619.29 feet to a point for corner;

4-37 3. Thence, severing said E. R. Hale Survey, A-264, S
 4-38 01°42'53" E, 3,063.20 feet to a point for corner in the northeast
 4-39 line of the existing Missouri Pacific Railroad right-of-way;

4-40 4. Thence, along said northeast line, N 59°23'57" W,
 4-41 2,041.86 feet to a point for corner;

4-42 5. Thence, continuing along said northeast line, N 58°50'22"
 4-43 W, 780.31 feet to a point for corner in the east line of said B. B.
 4-44 B. & C. RR. Survey, A-110, common to the east line of said E. R. Hale
 4-45 Survey, A-264;

4-46 6. Thence, along said common survey line, S 02°40'02" E,
 4-47 2,839.93 feet to a point for corner;

4-48 7. Thence, S 87°10'15" W, 1724.18 feet to a point for corner
 4-49 laying in the centerline of existing Highway No. 149;

4-50 8. Thence, along said centerline, N 30°32'20" W, 5,079.82
 4-51 feet to a point for corner in the northwest line of said B.B.B. & C.
 4-52 RR. survey A-111, common to the southeast line of the John Raimon
 4-53 Survey, A-472;

4-54 9. Thence, along said common survey line, N 42°22'36" E,
 4-55 891.43 feet to a point for corner in the northeast line of said
 4-56 Missouri Pacific right-of-way;

4-57 10. Thence, N 42°14'38" E, 1,997.17 feet to the Point of
 4-58 Beginning and containing 489.919 acres of land.

4-59 SECTION 3. (a) The legal notice of the intention to
 4-60 introduce this Act, setting forth the general substance of this
 4-61 Act, has been published as provided by law, and the notice and a
 4-62 copy of this Act have been furnished to all persons, agencies,
 4-63 officials, or entities to which they are required to be furnished
 4-64 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 4-65 Government Code.

4-66 (b) The governor, one of the required recipients, has
 4-67 submitted the notice and Act to the Texas Commission on
 4-68 Environmental Quality.

4-69 (c) The Texas Commission on Environmental Quality has filed

5-1 its recommendations relating to this Act with the governor, the
5-2 lieutenant governor, and the speaker of the house of
5-3 representatives within the required time.

5-4 (d) All requirements of the constitution and laws of this
5-5 state and the rules and procedures of the legislature with respect
5-6 to the notice, introduction, and passage of this Act are fulfilled
5-7 and accomplished.

5-8 SECTION 4. (a) Section 9084.0306, Special District Local
5-9 Laws Code, as added by Section 1 of this Act, takes effect only if
5-10 this Act receives a two-thirds vote of all the members elected to
5-11 each house.

5-12 (b) If this Act does not receive a two-thirds vote of all the
5-13 members elected to each house, Subchapter C, Chapter 9084, Special
5-14 District Local Laws Code, as added by Section 1 of this Act, is
5-15 amended by adding Section 9084.0306 to read as follows:

5-16 Sec. 9084.0306. NO EMINENT DOMAIN POWER. The district may
5-17 not exercise the power of eminent domain.

5-18 (c) This section is not intended to be an expression of a
5-19 legislative interpretation of the requirements of Section 17(c),
5-20 Article I, Texas Constitution.

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

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