

SENATE AMENDMENTS

2nd Printing

By: Bailes

H.B. No. 4661

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Plum Creek Management District No. 1 of Liberty County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3982 to read as follows:

CHAPTER 3982. PLUM CREEK MANAGEMENT DISTRICT NO. 1 OF LIBERTY COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3982.0101. DEFINITIONS. In this chapter:

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

(2) "County" means Liberty County.

(3) "Director" means a board member.

(4) "District" means the Plum Creek Management District No. 1 of Liberty County.

Sec. 3982.0102. NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3982.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this 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. 3982.0104. 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. 3982.0105. 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

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

(1) organization, existence, or validity;

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

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

(4) legality or operation.

Sec. 3982.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

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

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

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

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

Sec. 3982.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3982.0108. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3982.0109. CONFLICTS OF LAW. This chapter prevails

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

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3982.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors elected or appointed as provided by this chapter and Subchapter D, Chapter 49, Water Code.

(b) Except as provided by Section 3982.0204, directors serve staggered four-year terms.

Sec. 3982.0202. QUORUM. For purposes of determining the requirements for a quorum of the board, the following are not counted:

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

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

Sec. 3982.0203. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 3982.0204. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Alison Henderson;

(2) Emily Lewis;

(3) Vanessa Loftus;

(4) Courtney Lundquist; and

(5) Elizabeth Canfield.

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 enacting 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 may submit a petition to the Texas Commission on Environmental
21 Quality requesting that the commission appoint as successor
22 temporary directors the five persons named in the petition. The
23 commission shall appoint as successor temporary directors the five
24 persons named in the petition.

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 3982.0301. GENERAL POWERS AND DUTIES. The district
27 has the powers and duties necessary to accomplish the purposes for

which the district is created.

Sec. 3982.0302. IMPROVEMENT PROJECTS AND SERVICES. (a)
The district may provide, design, construct, acquire, improve,
relocate, operate, maintain, or finance an improvement project or
service using money available to the district, or contract with a
governmental or private entity to provide, design, construct,
acquire, improve, relocate, operate, maintain, or finance an
improvement project or service authorized under this chapter or
under Chapter 375, Local Government Code.

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

Sec. 3982.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
52, Article III, Texas Constitution, the district may own, operate,
maintain, design, acquire, construct, finance, issue bonds, notes,
or other obligations for, improve, and convey to this state, a
county, or a municipality for ownership, operation, and maintenance
macadamized, graveled, or paved roads or improvements, including
storm drainage, in aid of those roads.

Sec. 3982.0304. CONVEYANCE AND APPROVAL OF ROAD PROJECT.
(a) The district may convey a road project authorized by Section
3982.0303 to:

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

(2) the state if the state will operate and maintain
the road and the Texas Transportation Commission has approved the
plans and specifications of the road project.

1 (b) Except as provided by Subsection (c), the district shall
2 operate and maintain a road project authorized by Section 3982.0303
3 that the district implements and does not convey to a municipality,
4 a county, or this state under Subsection (a).

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

9 Sec. 3982.0305. DEVELOPMENT CORPORATION POWERS. The
10 district, using money available to the district, may exercise the
11 powers given to a development corporation under Chapter 505, Local
12 Government Code, including the power to own, operate, acquire,
13 construct, lease, improve, or maintain a project under that
14 chapter.

15 Sec. 3982.0306. NONPROFIT CORPORATION. (a) The board by
16 resolution may authorize the creation of a nonprofit corporation to
17 assist and act for the district in implementing a project or
18 providing a service authorized by this chapter.

19 (b) The nonprofit corporation:

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

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

25 (c) The board shall appoint the board of directors of the
26 nonprofit corporation. The board of directors of the nonprofit
27 corporation shall serve in the same manner as the board of directors

of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3982.0307. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift, grant, or loan from any person.

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

Sec. 3982.0308. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county, to provide law enforcement services in the district.

Sec. 3982.0309. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3982.0310. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.

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

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

(2) provide district personnel and services.

(c) The district may create economic development programs

1 and exercise the economic development powers provided to
2 municipalities by:

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

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

5 Sec. 3982.0311. PARKING FACILITIES. (a) The district may
6 acquire, lease as lessor or lessee, construct, develop, own,
7 operate, and maintain parking facilities or a system of parking
8 facilities, including lots, garages, parking terminals, or other
9 structures or accommodations for parking motor vehicles off the
10 streets and related appurtenances.

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

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

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

20 Sec. 3982.0312. NO TOLL ROADS. The district may not
21 construct, acquire, maintain, or operate a toll road.

22 Sec. 3982.0313. RAIL FACILITIES. The district may
23 construct, acquire, improve, maintain, and operate rail facilities
24 and improvements in aid of those facilities.

25 Sec. 3982.0314. RURAL PUBLIC TRANSPORTATION POWERS. (a)
26 The district may provide and coordinate rural public transportation
27 in its territory in the manner provided by Sections 458.010 and

458.011, Transportation Code, for a rural transit district.

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

Sec. 3982.0315. ANNEXATION OR EXCLUSION OF LAND. (a) The district may annex land as provided by Subchapter J, Chapter 49, Water Code.

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

Sec. 3982.0316. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

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

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

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

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

(A) not within the extraterritorial jurisdiction of a municipality; or

(B) within the extraterritorial jurisdiction of a municipality and that adjacent land has been approved for inclusion in the district under an ordinance or resolution adopted

1 by the municipality consenting to the inclusion.

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

6 (e) The board may adopt an order dividing the district
7 before or after the date the board holds an election under Section
8 3982.0204 to elect the district's permanent directors.

9 (f) An order dividing the district must:

10 (1) name each new district;

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

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

14 and

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

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

22 (h) Any new district created by the division of the district
23 shall hold a permanent directors' election as required by Section
24 3982.0204.

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

27 (j) Any new district created by the division of the district

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

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

9 Sec. 3982.0317. NO EMINENT DOMAIN POWER. The district may
10 not exercise the power of eminent domain.

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

12 Sec. 3982.0401. DISBURSEMENTS AND TRANSFERS OF MONEY. The
13 board by resolution shall establish the number of directors'
14 signatures and the procedure required for a disbursement or
15 transfer of district money.

16 Sec. 3982.0402. MONEY USED FOR IMPROVEMENTS OR SERVICES.
17 The district may acquire, construct, finance, operate, or maintain
18 any improvement or service authorized under this chapter or Chapter
19 375, Local Government Code, using any money available to the
20 district.

21 Sec. 3982.0403. PETITION REQUIRED FOR FINANCING SERVICES
22 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
23 service or improvement project with assessments under this chapter
24 unless a written petition requesting that service or improvement
25 has been filed with the board.

26 (b) A petition filed under Subsection (a) must be signed by
27 the owners of a majority of the assessed value of real property in

1 the district subject to assessment according to the most recent
2 certified tax appraisal roll for the county.

3 Sec. 3982.0404. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
4 The board by resolution may impose and collect an assessment for any
5 purpose authorized by this chapter in all or any part of the
6 district.

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

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

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

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

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

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

1 Sec. 3982.0405. RESIDENTIAL PROPERTY NOT EXEMPT. Section
2 375.161, Local Government Code, does not apply to a tax authorized
3 or approved by the voters of the district or a required payment for
4 a service provided by the district, including water and sewer
5 services.

6 Sec. 3982.0406. COMPETITIVE BIDDING. Subchapter I, Chapter
7 49, Water Code, applies to the district. Sections 375.221 and
8 375.223, Local Government Code, do not apply to the district.

9 Sec. 3982.0407. TAX AND ASSESSMENT ABATEMENTS. The
10 district may designate reinvestment zones and may grant abatements
11 of district taxes or assessments on property in the zones.

12 SUBCHAPTER E. TAXES AND BONDS

13 Sec. 3982.0501. ELECTIONS REGARDING TAXES AND BONDS. (a)
14 The district may issue, without an election, bonds, notes, and
15 other obligations secured by:

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

18 (2) contract payments described by Section 3982.0503.

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

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

25 (d) All or any part of any facilities or improvements that
26 may be acquired by a district by the issuance of its bonds may be
27 submitted as a single proposition or as several propositions to be

1 voted on at the election.

2 Sec. 3982.0502. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized by a majority of the district voters voting at an
4 election held in accordance with Section 3982.0501, the district
5 may impose an operation and maintenance tax on taxable property in
6 the district in accordance with Section 49.107, Water Code, for any
7 district purpose, including to:

8 (1) maintain and operate the district;

9 (2) construct or acquire improvements; or

10 (3) provide a service.

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

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

15 Sec. 3982.0503. CONTRACT TAXES. (a) In accordance with
16 Section 49.108, Water Code, the district may impose a tax other than
17 an operation and maintenance tax and use the revenue derived from
18 the tax to make payments under a contract after the provisions of
19 the contract have been approved by a majority of the district voters
20 voting at an election held for that purpose.

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

24 Sec. 3982.0504. AUTHORITY TO BORROW MONEY AND TO ISSUE
25 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on
26 terms determined by the board. Section 375.205, Local Government
27 Code, does not apply to a loan, line of credit, or other borrowing

1 from a bank or financial institution secured by revenue other than
2 ad valorem taxes.

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

8 Sec. 3982.0505. TAXES FOR BONDS. At the time the district
9 issues bonds payable wholly or partly from ad valorem taxes, the
10 board shall provide for the annual imposition of a continuing
11 direct annual ad valorem tax, without limit as to rate or amount,
12 for each year that all or part of the bonds are outstanding as
13 required and in the manner provided by Sections 54.601 and 54.602,
14 Water Code.

15 Sec. 3982.0506. BONDS FOR ROAD PROJECTS. At the time of
16 issuance, the total principal amount of bonds or other obligations
17 issued or incurred to finance road projects and payable from ad
18 valorem taxes may not exceed one-fourth of the assessed value of the
19 real property in the district.

20 SUBCHAPTER F. SALES AND USE TAX

21 Sec. 3982.0601. APPLICABILITY OF CERTAIN TAX CODE
22 PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition,
23 computation, administration, enforcement, and collection of the
24 sales and use tax authorized by this subchapter except to the extent
25 Chapter 321, Tax Code, is inconsistent with this chapter.

26 (b) A reference in Chapter 321, Tax Code, to a municipality
27 or the governing body of a municipality is a reference to the

1 district or the board, respectively.

2 Sec. 3982.0602. ELECTION; ADOPTION OF TAX. (a) The
3 district may adopt a sales and use tax if authorized by a majority
4 of the voters of the district voting at an election held for that
5 purpose.

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

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

15 Sec. 3982.0603. SALES AND USE TAX RATE. (a) On or after the
16 date the results are declared of an election held under Section
17 3982.0602, at which the voters approved imposition of the tax
18 authorized by this subchapter, the board shall determine and adopt
19 by resolution or order the initial rate of the tax, which must be in
20 one or more increments of one-eighth of one percent.

21 (b) After the election held under Section 3982.0602, the
22 board may increase or decrease the rate of the tax by one or more
23 increments of one-eighth of one percent.

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

26 (1) the maximum rate authorized by the district voters
27 at the election held under Section 3982.0602; or

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

6 Sec. 3982.0604. TAX AFTER MUNICIPAL ANNEXATION. (a) This
7 section applies to the district after a municipality annexes part
8 of the territory in the district and imposes the municipality's
9 sales and use tax in the annexed territory.

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

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

19 Sec. 3982.0605. NOTIFICATION OF RATE CHANGE. The board
20 shall notify the comptroller of any changes made to the tax rate
21 under this subchapter in the same manner the municipal secretary
22 provides notice to the comptroller under Section 321.405(b), Tax
23 Code.

24 Sec. 3982.0606. USE OF REVENUE. Revenue from the sales and
25 use tax imposed under this subchapter is for the use and benefit of
26 the district and may be used for any district purpose. The district
27 may pledge all or part of the revenue to the payment of bonds,

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

4 Sec. 3982.0607. ABOLITION OF TAX. (a) Except as provided
5 by Subsection (b), the board may abolish the tax imposed under this
6 subchapter without an election.

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

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

15 (d) If the board abolishes the tax or decreases the tax rate
16 to zero, a new election to authorize a sales and use tax must be held
17 under Section 3982.0602 before the district may subsequently impose
18 the tax.

19 SUBCHAPTER G. DEFINED AREAS

20 Sec. 3982.0701. AUTHORITY TO ESTABLISH DEFINED AREAS OR
21 DESIGNATED PROPERTY. The district may define areas or designate
22 certain property of the district to pay for improvements,
23 facilities, or services that primarily benefit that area or
24 property and do not generally and directly benefit the district as a
25 whole.

26 Sec. 3982.0702. PROCEDURE FOR ELECTION. (a) Before the
27 district may impose an ad valorem tax or issue bonds payable from ad

1 valorem taxes of the defined area or designated property, the board
2 shall hold an election in the defined area or in the designated
3 property only.

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

6 Sec. 3982.0703. DECLARING RESULT AND ISSUING ORDER. (a) If
7 a majority of the voters voting at the election approve the
8 proposition or propositions, the board shall declare the results
9 and, by order, shall establish the defined area and describe it by
10 metes and bounds or designate the specific property.

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

14 Sec. 3982.0704. TAXES FOR SERVICES, IMPROVEMENTS, AND
15 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
16 approval and adoption of the order described by Section 3982.0703,
17 the district may apply separately, differently, equitably, and
18 specifically its taxing power and lien authority to the defined
19 area or designated property to provide money to construct,
20 administer, maintain, and operate services, improvements, and
21 facilities that primarily benefit the defined area or designated
22 property.

23 Sec. 3982.0705. ISSUANCE OF BONDS FOR DEFINED AREA OR
24 DESIGNATED PROPERTY. After the order under Section 3982.0703 is
25 adopted, the district may issue bonds to provide for any land,
26 improvements, facilities, plants, equipment, and appliances for
27 the defined area or designated property.

1 Sec. 3982.0706. ADDITION OR EXCLUSION OF LAND IN DEFINED
2 AREA. The district may add or exclude land from the defined areas
3 in the same manner the district may add or exclude land from the
4 district.

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

8 Being 2,774.31 acres of land situated in the James T. Dunman
9 Survey, Abstract 167, the Willis McWilkinson Survey, Abstract 318,
10 the H.T. & B. R.R. Co. Survey, Section 15, Abstract, the H.T. & B.
11 R.R. Co. Survey, Section 14-1/2 also known as the W.R. Searcy
12 Survey, Abstract 792, the H.T. & B. R.R. Co. Survey, Section 13-1/2,
13 Abstract 635, the W. McWilkinson Survey, Abstract 317, the Charles
14 Smith Survey, Abstract 350, the B.B.B. & C. Survey, Abstract 152,
15 the James Darwin Survey, Abstract 176, the William H.B. Witham
16 Survey, Abstract 395 and the Edward King Survey, Abstract 56 of
17 Liberty County, Texas; being part of a called 7,750.32 acre tract
18 conveyed to HF Houston Green Land, L.P. by Special Warranty Deed
19 recorded under Clerk's File No. 2006-008098 of the Liberty County
20 Official Public Records of Real Property; said 2,774.31 acres being
21 part of a called 8,673.34 acre tract described in Certificate for
22 Order Adding Land and Redefining Boundaries, document of which is
23 recorded in Clerk's File No. 2009-115395 of the Montgomery County
24 Official Public Records of Real Property and in Clerk's File
25 No. 2009018027 of the Official Public Records of Liberty County,
26 Texas; said 2,774.31 acres being comprised of three separate
27 tracts, and more particularly described by the following metes and

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1 bounds, with all bearings being based on the calls of said 8,673.34
2 acre tract;

3 Tract 1 - 1,578.64 Acres

4 COMMENCING at the most northerly northwest corner of a called
5 1,122.98 acre parcel conveyed to HF Houston Green Land, L.P. by
6 Special Warranty Deed recorded under Clerk's File No. 2006-119940
7 of the Montgomery County Official Public Records of Real Property,
8 same being the most northerly northwest corner of said 8,673.34
9 acre parcel;

10 THENCE, North 87 degrees 33 minutes 40 seconds East, 451.90
11 feet along a northerly line of said 1,122.98 acre tract to an angle
12 point in the northerly line of said 1,122.98 acre parcel;

13 THENCE, North 87 degrees 05 minutes 50 seconds East, 2613.76
14 feet along a northerly line of said 1,122.98 acre tract, to an angle
15 point in the northerly line of said 1,122.98 acre parcel;

16 THENCE, North 87 degrees 09 minutes 40 seconds East, 399.30
17 feet along the north line of said 1,122.98 acre parcel and
18 continuing along the north line of said 7,550.32 acre tract to a
19 point for the northwest corner of a called 4,394.368 acre tract
20 described in Special Warranty Deed recorded in Clerk's File
21 No. 2016013974 of the Official Public Records of Liberty County,
22 Texas;

23 THENCE, along the common line of the remainder of said
24 7,550.32 acre parcel and said adjoining 4,394.368 acre parcel, the
25 following nine (9) courses and distances:

26 1. South 05 degrees 07 minutes 37 seconds East, a distance
27 of 85.52 feet to an angle point;

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2. South 06 degrees 55 minutes 52 seconds East, a distance of 1,062.76 feet to an angle point;

3. South 16 degrees 56 minutes 21 seconds East, a distance of 421.03 feet to an angle point;

4. South 25 degrees 57 minutes 46 seconds East, a distance of 451.32 feet to a point, beginning a curve to the right;

5. With said curve to the right, having a central angle of 43 degrees 59 minutes 15 seconds, an arc length of 383.86 feet, a radius of 500.00 feet, and a chord bearing South 03 degrees 58 minutes 09 seconds East, 374.51 feet to a point;

6. South 18 degrees 01 minute 29 seconds West, a distance of 800.07 feet;

7. South 20 degrees 09 minutes 01 second East, a distance of 1,051.41 feet to the POINT OF BEGINNING and northwest corner of the herein described parcel, same being the westerly southwest corner of said adjoining 4,394.368 acre parcel;

8. South 77 degrees 48 Minutes 38 seconds East, a distance of 12,787.72 feet to a point for the northeast corner of the herein described tract;

9. South 10 degrees 28 minutes 05 seconds East, a distance of 6,647.77 feet to a point for the southeast corner of the herein described parcel and the remainder of said 7,550.32 acre parcel, same being the southwest corner of said adjoining 4,394.368 acre parcel;

THENCE, South 87 degrees 49 minutes 10 seconds West along the south line of the herein described parcel and said 7,550.32 acre parcel, a distance of 2,580.31 feet to an angle point on said line;

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1 THENCE, South 87 degrees 28 minutes 44 seconds West
2 continuing along the south line of the herein described parcel and
3 said 7,550.32 acre parcel, a distance of 2,049.32 feet to a point
4 for the lower southwest corner of the herein described parcel,
5 being a point on the extraterritorial jurisdiction line of the City
6 of Houston, said extraterritorial jurisdiction line being at this
7 location an arc with a radius of 26,400 feet measured from a point
8 on the west line of the John R. Rhea Survey, Abstract 62 of Harris
9 County, located a distance of 2,500 feet north of the southwest
10 corner of said John R. Rhea Survey, as described in City of Houston
11 Ordinance No. 65-1905-A passed December 31, 1965 (Area No. 9),
12 beginning a curve to the left;

13 THENCE, with said curve to the left in said extraterritorial
14 jurisdiction line, having a central angle of 05 degrees 16 minutes
15 12 seconds, an arc length of 2,428.19 feet, a radius of 26,400.00
16 feet, and a chord bearing North 69 degrees 04 minutes 40 seconds
17 West, 2,427.33 feet to a point for corner in a west line of said
18 7,550.32 acre parcel;

19 THENCE, North 02 degrees 50 minutes 12 seconds West along the
20 lower west line of the herein described parcel and said 7,550.32
21 acre parcel, a distance of 2,539.52 feet to an angle point on said
22 line;

23 THENCE, North 02 degrees 38 minutes 21 seconds West
24 continuing along the lower west line of the herein described parcel
25 and said 7,550.32 acre parcel, a distance of 1,209.38 feet to a
26 reentry point of the herein described parcel;

27 THENCE, South 87 degrees 44 minutes 33 seconds West along a

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1 southerly line of the herein described parcel and said 7,550.32
2 acre parcel, a distance of 4,800.59 feet to a point for corner on
3 the common line of Liberty County and Harris County, as described on
4 a map titled "A Resurvey of the Liberty-Montgomery, Liberty Harris
5 and Montgomery-Harris County Lines" filed for record in Volume 7,
6 Page 341 of the Montgomery County Deed Records;

7 THENCE, North 20 degrees 09 minutes 01 seconds West along
8 said common County Line, a distance of 5,329.52 feet to the POINT OF
9 BEGINNING, CONTAINING 1,578.64 acres of land, more or less.

10 Tract 2 - 138.36 Acres

11 COMMENCING at the most northerly northwest corner of said
12 1,122.98 acre parcel, same being the most northerly northwest
13 corner of said 8,673.34 acre parcel;

14 THENCE, South 71 degrees 45 minutes 13 seconds East, a
15 distance of 33,168.33 feet to a point for the southeast corner and
16 POINT OF BEGINNING of the herein described parcel, said point also
17 being the easternmost southeast corner of a said 7,550.32 acre
18 parcel;

19 THENCE, South 87 degrees 51 minutes 07 seconds West along the
20 lower south line of the herein described parcel, same being the
21 easternmost upper south line of said 7,550.32 acre parcel, a
22 distance of 2,339.90 feet to a point for the lower southwest corner
23 of the herein described tract and the easternmost southwest corner
24 of said 7,550.32 acre parcel;

25 THENCE, North 01 degree 59 minutes 09 seconds West along the
26 west line of the herein described parcel, same being the
27 easternmost west line of said 7,550.32, a distance of 1,325.35 feet

1 to a point for reentry corner of the herein described tract;

2 THENCE, North 77 degrees 54 minutes 20 seconds West along the
3 upper south line of the herein described tract, same being a
4 southerly line of said 7,550.32 acre parcel, a distance of 219.24
5 feet to an angle point on said line;

6 THENCE, North 83 degrees 12 minutes 30 seconds West
7 continuing along the upper south line of the herein described tract
8 and said southerly line of said 7,550.32 acre parcel, a distance of
9 422.76 feet to a point in the northerly high bank of Luce Bayou, for
10 the upper southwest corner of the herein described parcel, said
11 point also being in the southeast line of the aforementioned
12 adjoining 4,394.368 acre parcel;

13 THENCE, along the northerly bank of Luce Bayou, being the
14 northwest line of the herein described parcel, same being the
15 southeast line of said adjoining 4,394.368 acre parcel to points at
16 the following twenty three (23) courses and distances:

17 1. North 29 degrees 13 minutes 18 seconds East, a distance
18 of 288.16 feet;

19 2. North 22 degrees 54 minutes 55 seconds West, a distance
20 of 25.58 feet;

21 3. North 44 degrees 22 minutes 41 seconds West, a distance
22 of 219.92 feet;

23 4. North 40 degrees 51 minutes 59 seconds East, a distance
24 of 265.77 feet;

25 5. North 60 degrees 15 minutes 23 seconds East, a distance
26 of 589.74 feet;

27 6. North 76 degrees 20 minutes 59 seconds East, a distance

1 of 207.09 feet;
2 7. South 62 degrees 58 minutes 05 seconds East, a distance
3 of 263.50 feet;
4 8. South 85 degrees 04 minutes 58 seconds East, a distance
5 of 129.39 feet;
6 9. North 39 degrees 15 minutes 32 seconds East, a distance
7 of 269.90 feet;
8 10. South 44 degrees 12 minutes 23 seconds East, a distance
9 of 367.63 feet;
10 11. North 77 degrees 18 minutes 00 seconds East, a distance
11 of 128.41 feet;
12 12. South 15 degrees 35 minutes 40 seconds West, a distance
13 of 42.57 feet;
14 13. North 57 degrees 07 minutes 53 seconds East, a distance
15 of 157.37 feet;
16 14. South 62 degrees 07 minutes 28 seconds East, a distance
17 of 105.88 feet;
18 15. South 86 degrees 07 minutes 23 seconds East, a distance
19 of 56.96 feet;
20 16. North 08 degrees 28 minutes 03 seconds East, a distance
21 of 165.00 feet;
22 17. North 15 degrees 57 minutes 33 seconds East, a distance
23 of 180.33 feet;
24 18. North 81 degrees 29 minutes 31 seconds East, a distance
25 of 92.83 feet;
26 19. South 66 degrees 31 minutes 19 seconds East, a distance
27 of 305.88 feet;

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20. North 71 degrees 59 minutes 48 seconds East, a distance of 90.95 feet;

21. North 15 degrees 03 minutes 20 seconds East, a distance of 283.46 feet;

22. North 38 degrees 50 minutes 41 seconds East, a distance of 262.89 feet;

23. South 78 degrees 51 minutes 42 seconds East, a distance of 94.27 feet to a point for the northeast corner of the herein described parcel, being the easternmost northeast corner of the remainder of said 7,550.32 acre parcel, and also being the southeast corner of the aforementioned adjoining 4,394.368 acre parcel;

THENCE, South 02 degrees 04 minutes 15 seconds East along the east line of the herein parcel, same being the east line of said 7,550.32 acre parcel, a distance of 2,860.01 feet to the POINT OF BEGINNING, CONTAINING 138.36 acres of land, more or less.

Tract 3 - 1,057.31 Acres

COMMENCING at the most northerly northwest corner of said 1,122.98 acre parcel, same being the most northerly northwest corner of said 8,673.34 acre parcel;

THENCE, South 52 degrees 20 minutes 22 seconds East, a distance of 32,311.35 feet to a point for the lower southeast corner and POINT OF BEGINNING of the herein described parcel, said point also being the southernmost southeast corner of said 7,550.32 acre parcel;

THENCE, South 87 degrees 56 minutes 51 seconds West along the south line of the herein described parcel, being the lower south

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1 line of said 7,550.32 acre parcel, a distance of 3,371.57 feet to a
2 point for the lower southwest corner of the herein described
3 parcel, being a point on the extraterritorial jurisdiction line of
4 the City of Houston, said extraterritorial jurisdiction line being
5 at this location an arc with a radius of 26,400 feet measured from a
6 point on the west line of the John R. Rhea Survey, Abstract 62 of
7 Harris County, said point located a distance of 2,500 feet north of
8 the southwest corner of said John R. Rhea Survey, as described in
9 City of Houston Ordinance No. 65-1905-A passed December 31, 1965
10 (Area No. 9), beginning a curve to the left;

11 THENCE, with said curve to the left in said extraterritorial
12 jurisdiction line, having a central angle of 06 degrees 17 minutes
13 49 seconds, an arc length of 2,901.41 feet, a radius of 26,400.00
14 feet, and a chord bearing North 45 degrees 08 minutes 20 seconds
15 West, 2,289.95 feet to a point for corner in a west line of said
16 7,550.32 acre parcel;

17 THENCE, North 01 degree 25 minutes 03 seconds West continuing
18 along the west line of the herein described parcel and the lower
19 west line of said 7,550.32 acre parcel, a distance of 4,042.73 feet
20 to a point in the northerly high bank of Luce Bayou for the
21 northwest corner of the herein described parcel, said point being
22 the lower northwest corner of the remainder of said 7,550.32 acre
23 parcel, and also being the south corner of the aforementioned
24 adjoining 4,394.368 acre parcel;

25 THENCE, along the northerly bank of Luce Bayou, being the
26 northwest line of the herein described parcel and the lower
27 northwest line of the remainder of said 7,550.32 acre parcel, same

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1 being the southeast line of said adjoining 4,394.368 acre parcel to
2 points at the following sixty (60) courses and distances:

- 3 1. North 61 degrees 21 minutes 26 seconds East, a distance
4 of 55.62 feet;
- 5 2. North 50 degrees 37 minutes 28 seconds East, a distance
6 of 91.94 feet;
- 7 3. North 35 degrees 59 minutes 28 seconds East, a distance
8 of 90.11 feet;
- 9 4. North 81 degrees 37 minutes 54 seconds East, a distance
10 of 99.10 feet;
- 11 5. North 57 degrees 51 minutes 37 seconds East, a distance
12 of 158.16 feet;
- 13 6. South 56 degrees 59 minutes 24 seconds East, a distance
14 of 107.50 feet;
- 15 7. South 36 degrees 14 minutes 37 seconds East, a distance
16 of 159.52 feet;
- 17 8. North 54 degrees 34 minutes 28 seconds East, a distance
18 of 191.37 feet;
- 19 9. South 77 degrees 54 minutes 48 seconds East, a distance
20 of 173.87 feet;
- 21 10. North 54 degrees 26 minutes 02 seconds East, a distance
22 of 146.38 feet;
- 23 11. North 62 degrees 41 minutes 22 seconds East, a distance
24 of 232.93 feet;
- 25 12. South 19 degrees 51 minutes 51 seconds East, a distance
26 of 112.24 feet;
- 27 13. North 82 degrees 24 minutes 12 seconds East, a distance

1 of 94.78 feet;
2 14. North 51 degrees 03 minutes 36 seconds East, a distance
3 of 200.86 feet;
4 15. North 66 degrees 08 minutes 09 seconds East, a distance
5 of 169.04 feet;
6 16. South 62 degrees 28 minutes 14 seconds East, a distance
7 of 153.91 feet;
8 17. North 38 degrees 34 minutes 21 seconds East, a distance
9 of 106.95 feet;
10 18. North 02 degrees 48 minutes 55 seconds East, a distance
11 of 326.69 feet;
12 19. South 45 degrees 23 minutes 50 seconds East, a distance
13 of 219.28 feet;
14 20. North 24 degrees 43 minutes 53 seconds East, a distance
15 of 142.40 feet;
16 21. North 62 degrees 19 minutes 52 seconds East, a distance
17 of 252.61 feet;
18 22. North 34 degrees 38 minutes 47 seconds East, a distance
19 of 226.60 feet;
20 23. North 42 degrees 20 minutes 23 seconds East, a distance
21 of 357.69 feet;
22 24. North 81 degrees 41 minutes 35 seconds East, a distance
23 of 167.94 feet;
24 25. North 32 degrees 37 minutes 57 seconds East, a distance
25 of 401.87 feet;
26 26. North 62 degrees 21 minutes 03 seconds East, a distance
27 of 139.87 feet;

- 1 27. South 52 degrees 41 minutes 51 seconds East, a distance
2 of 149.90 feet;
- 3 28. North 07 degrees 49 minutes 17 seconds East, a distance
4 of 138.14 feet;
- 5 29. North 11 degrees 25 minutes 11 seconds West, a distance
6 of 282.21 feet;
- 7 30. North 80 degrees 25 minutes 55 seconds East, a distance
8 of 195.83 feet;
- 9 31. North 57 degrees 50 minutes 39 seconds East, a distance
10 of 119.95 feet;
- 11 32. North 18 degrees 31 minutes 30 seconds East, a distance
12 of 202.53 feet;
- 13 33. North 41 degrees 32 minutes 27 seconds East, a distance
14 of 107.50 feet;
- 15 34. South 80 degrees 31 minutes 33 seconds East, a distance
16 of 185.98 feet;
- 17 35. South 03 degrees 41 minutes 25 seconds West, a distance
18 of 146.64 feet;
- 19 36. South 31 degrees 39 minutes 32 seconds East, a distance
20 of 47.04 feet;
- 21 37. North 80 degrees 27 minutes 52 seconds East, a distance
22 of 49.59 feet;
- 23 38. North 52 degrees 41 minutes 31 seconds East, a distance
24 of 204.57 feet;
- 25 39. North 43 degrees 52 minutes 42 seconds East, a distance
26 of 154.18 feet;
- 27 40. North 78 degrees 29 minutes 58 seconds East, a distance

1 of 229.58 feet;
2 41. South 38 degrees 31 minutes 15 seconds East, a distance
3 of 139.79 feet;
4 42. South 78 degrees 40 minutes 34 seconds East, a distance
5 of 165.26 feet;
6 43. North 18 degrees 05 minutes 01 second West, a distance
7 of 120.75 feet;
8 44. North 45 degrees 34 minutes 26 seconds East, a distance
9 of 292.64 feet;
10 45. North 24 degrees 08 minutes 01 second East, a distance
11 of 235.02 feet;
12 46. North 61 degrees 06 minutes 54 seconds East, a distance
13 of 124.69 feet;
14 47. North 27 degrees 51 minutes 51 seconds East, a distance
15 of 181.98 feet;
16 48. North 47 degrees 04 minutes 47 seconds East, a distance
17 of 801.66 feet;
18 49. South 01 degree 26 minutes 20 seconds East, a distance
19 of 179.11 feet;
20 50. South 07 degrees 16 minutes 18 seconds East, a distance
21 of 40.74 feet;
22 51. North 44 degrees 46 minutes 28 seconds East, a distance
23 of 505.22 feet;
24 52. North 59 degrees 29 minutes 52 seconds East, a distance
25 of 639.36 feet;
26 53. North 70 degrees 16 minutes 34 seconds East, a distance
27 of 631.52 feet;

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54. South 26 degrees 38 minutes 58 seconds West, a distance
of 119.89 feet;

55. South 46 degrees 41 minutes 57 seconds East, a distance
of 275.51 feet;

56. North 29 degrees 00 minutes 30 seconds East, a distance
of 443.82 feet;

57. North 54 degrees 58 minutes 07 seconds East, a distance
of 189.36 feet;

58. South 63 degrees 53 minutes 28 seconds East, a distance
of 100.65 feet;

59. South 23 degrees 10 minutes 28 seconds East, a distance
of 213.82 feet;

60. North 65 degrees 05 minutes 26 seconds East, a distance
of 76.57 feet to a point for the northeast corner of the herein
described parcel, being the southernmost northeast corner of said
7,550.32 acre parcel, and being in an eastern line of the
aforementioned adjoining 4,394.368 acre parcel;

THENCE, South 02 degrees 42 minutes 29 seconds East along the
upper east line of the herein described parcel, being an east line
of said 7,550.32 acre parcel, a distance of 3,277.76 feet to a point
for the upper southeast corner of the herein described parcel,
being a southeast corner of said 7,220.32 acre parcel;

THENCE, South 87 degrees 37 minutes 48 seconds West along the
upper south line of the herein described parcel, being a south line
of said 7,550.32 acre parcel, a distance of 2,884.02 feet to a point
for reentry corner of the herein described parcel and said 7,550.32
acre parcel;

1 THENCE, South 02 degrees 20 minutes 58 seconds East along the
2 lower east line of the herein described parcel, being the
3 southernmost east line of said 7,550.32 acre parcel, a distance of
4 5,376.03 feet to an angle point on said line;

5 THENCE, South 00 degrees 27 minutes 55 seconds West
6 continuing along the lower east line of the herein described parcel
7 and the southernmost east line of said 7,550.32 acre parcel, a
8 distance of 1,540.65 feet to the POINT OF BEGINNING, CONTAINING
9 1,057.31 acres of land, for a total of 2,774.31 acres in Liberty
10 County, Texas as shown on drawing No. 12934 in the offices of Jones
11 & Carter, Inc., Bellaire, Texas.

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,
24 lieutenant governor, and speaker of the house of representatives
25 within the required time.

26 (d) The general law relating to consent by political
27 subdivisions to the creation of districts with conservation,

1 reclamation, and road powers and the inclusion of land in those
2 districts has been complied with.

3 (e) All requirements of the constitution and laws of this
4 state and the rules and procedures of the legislature with respect
5 to the notice, introduction, and passage of this Act have been
6 fulfilled and accomplished.

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

ADOPTED

MAY 22 2019

Letay Spaul
Secretary of the Senate

By: Bailes/Nichols

H.B. No. 4661

Substitute the following for H.B. No. 4661:

By: 

C.S. ____ B. No. ____

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Plum Creek Management District No. 1 of Liberty County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3982 to read as follows:

CHAPTER 3982. PLUM CREEK MANAGEMENT DISTRICT NO. 1 OF LIBERTY

COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3982.0101. DEFINITIONS. In this chapter:

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

(2) "County" means Liberty County.

(3) "Director" means a board member.

(4) "District" means the Plum Creek Management District No. 1 of Liberty County.

Sec. 3982.0102. NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3982.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this 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. 3982.0104. 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. 3982.0105. 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. 3982.0106. 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. 3982.0107. 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. 3982.0108. CONSTRUCTION OF CHAPTER. This chapter
25 shall be liberally construed in conformity with the findings and
26 purposes stated in this chapter.

27 Sec. 3982.0109. 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. 3982.0201. 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 3982.0204, directors
9 serve staggered four-year terms.

10 Sec. 3982.0202. 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. 3982.0203. 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. 3982.0204. TEMPORARY DIRECTORS. (a) The temporary
22 board consists of:

23 (1) Alison Henderson;

24 (2) Emily Lewis;

25 (3) Vanessa Loftus;

26 (4) Courtney Lundquist; and

27 (5) Elizabeth Canfield.

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 enacting 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 may submit a petition to the Texas Commission on Environmental
21 Quality requesting that the commission appoint as successor
22 temporary directors the five persons named in the petition. The
23 commission shall appoint as successor temporary directors the five
24 persons named in the petition.

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 3982.0301. GENERAL POWERS AND DUTIES. The district
27 has the powers and duties necessary to accomplish the purposes for

1 which the district is created.

2 Sec. 3982.0302. IMPROVEMENT PROJECTS AND SERVICES. (a)

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

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

12 Sec. 3982.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
13 52, Article III, Texas Constitution, the district may own, operate,
14 maintain, design, acquire, construct, finance, issue bonds, notes,
15 or other obligations for, improve, and convey to this state, a
16 county, or a municipality for ownership, operation, and maintenance
17 macadamized, graveled, or paved roads or improvements, including
18 storm drainage, in aid of those roads.

19 Sec. 3982.0304. CONVEYANCE AND APPROVAL OF ROAD PROJECT.

20 (a) The district may convey a road project authorized by Section
21 3982.0303 to:

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

25 (2) the state if the state will operate and maintain
26 the road and the Texas Transportation Commission has approved the
27 plans and specifications of the road project.

1 (b) Except as provided by Subsection (c), the district shall
2 operate and maintain a road project authorized by Section 3982.0303
3 that the district implements and does not convey to a municipality,
4 a county, or this state under Subsection (a).

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

9 Sec. 3982.0305. NONPROFIT CORPORATION. (a) The board by
10 resolution may authorize the creation of a nonprofit corporation to
11 assist and act for the district in implementing a project or
12 providing a service authorized by this chapter.

13 (b) The nonprofit corporation:

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

17 (2) may implement any project and provide any service
18 authorized by this chapter.

19 (c) The board shall appoint the board of directors of the
20 nonprofit corporation. The board of directors of the nonprofit
21 corporation shall serve in the same manner as the board of directors
22 of a local government corporation created under Subchapter D,
23 Chapter 431, Transportation Code, except that a board member is not
24 required to reside in the district.

25 Sec. 3982.0306. AGREEMENTS; GRANTS. (a) As provided by
26 Chapter 375, Local Government Code, the district may make an
27 agreement with or accept a gift, grant, or loan from any person.

1 (b) The implementation of a project is a governmental
2 function or service for the purposes of Chapter 791, Government
3 Code.

4 Sec. 3982.0307. LAW ENFORCEMENT SERVICES. To protect the
5 public interest, the district may contract with a qualified party,
6 including the county, to provide law enforcement services in the
7 district.

8 Sec. 3982.0308. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.
9 The district may join and pay dues to a charitable or nonprofit
10 organization that performs a service or provides an activity
11 consistent with the furtherance of a district purpose.

12 Sec. 3982.0309. ECONOMIC DEVELOPMENT. (a) The district
13 may engage in activities that accomplish the economic development
14 purposes of the district.

15 (b) The district may establish and provide for the
16 administration of one or more programs to promote state or local
17 economic development and to stimulate business and commercial
18 activity in the district, including programs to:

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

20 (2) provide district personnel and services.

21 (c) The district may create economic development programs
22 and exercise the economic development powers provided to
23 municipalities by:

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

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

26 Sec. 3982.0310. PARKING FACILITIES. (a) The district may
27 acquire, lease as lessor or lessee, construct, develop, own,

1 operate, and maintain parking facilities or a system of parking
2 facilities, including lots, garages, parking terminals, or other
3 structures or accommodations for parking motor vehicles off the
4 streets and related appurtenances.

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

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

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

14 Sec. 3982.0311. NO TOLL ROADS. The district may not
15 construct, acquire, maintain, or operate a toll road.

16 Sec. 3982.0312. RAIL FACILITIES. The district may
17 construct, acquire, improve, maintain, and operate rail facilities
18 and improvements in aid of those facilities.

19 Sec. 3982.0313. ANNEXATION OR EXCLUSION OF LAND. (a) The
20 district may annex land as provided by Subchapter J, Chapter 49,
21 Water Code.

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

25 Sec. 3982.0314. DIVISION OF DISTRICT. (a) The district may
26 be divided into two or more new districts only if the district:

27 (1) has no outstanding bonded debt; and

1 (2) is not imposing ad valorem taxes.

2 (b) This chapter applies to any new district created by the
3 division of the district, and a new district has all the powers and
4 duties of the district.

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

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

9 (2) any land adjacent to the area described by Section
10 2 of the Act enacting this chapter if that adjacent land is:

11 (A) not within the extraterritorial jurisdiction
12 of a municipality; or

13 (B) within the extraterritorial jurisdiction of
14 a municipality and that adjacent land has been approved for
15 inclusion in the district under an ordinance or resolution adopted
16 by the municipality consenting to the inclusion.

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

21 (e) The board may adopt an order dividing the district
22 before or after the date the board holds an election under Section
23 3982.0204 to elect the district's permanent directors.

24 (f) An order dividing the district must:

25 (1) name each new district;

26 (2) include the metes and bounds description of the
27 territory of each new district;

1 (3) appoint temporary directors for each new district;
2 and

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

5 (g) On or before the 30th day after the date of adoption of
6 an order dividing the district, the district shall file the order
7 with the Texas Commission on Environmental Quality and record the
8 order in the real property records of each county in which the
9 district is located.

10 (h) Any new district created by the division of the district
11 shall hold a permanent directors' election as required by Section
12 3982.0204.

13 (i) Municipal consent by a municipality is not required for
14 the creation of any new district created under this section.

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

20 (k) If the voters of a new district do not confirm the
21 creation of the new district, the assets, obligations, territory,
22 and governance of the new district revert to that of the original
23 district.

24 Sec. 3982.0315. NO EMINENT DOMAIN POWER. The district may
25 not exercise the power of eminent domain.

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

27 Sec. 3982.0401. DISBURSEMENTS AND TRANSFERS OF MONEY. The

1 board by resolution shall establish the number of directors'
2 signatures and the procedure required for a disbursement or
3 transfer of district money.

4 Sec. 3982.0402. MONEY USED FOR IMPROVEMENTS OR SERVICES.
5 The district may acquire, construct, finance, operate, or maintain
6 any improvement or service authorized under this chapter or Chapter
7 375, Local Government Code, using any money available to the
8 district.

9 Sec. 3982.0403. PETITION REQUIRED FOR FINANCING SERVICES
10 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
11 service or improvement project with assessments under this chapter
12 unless a written petition requesting that service or improvement
13 has been filed with the board.

14 (b) A petition filed under Subsection (a) must be signed by
15 the owners of a majority of the assessed value of real property in
16 the district subject to assessment according to the most recent
17 certified tax appraisal roll for the county.

18 Sec. 3982.0404. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
19 The board by resolution may impose and collect an assessment for any
20 purpose authorized by this chapter in all or any part of the
21 district.

22 (b) An assessment, a reassessment, or an assessment
23 resulting from an addition to or correction of the assessment roll
24 by the district, penalties and interest on an assessment or
25 reassessment, an expense of collection, and reasonable attorney's
26 fees incurred by the district:

27 (1) are a first and prior lien against the property

1 assessed;
2 (2) are superior to any other lien or claim other than
3 a lien or claim for county, school district, or municipal ad valorem
4 taxes; and
5 (3) are the personal liability of and a charge against
6 the owners of the property even if the owners are not named in the
7 assessment proceedings.
8 (c) The lien is effective from the date of the board's
9 resolution imposing the assessment until the date the assessment is
10 paid. The board may enforce the lien in the same manner that the
11 board may enforce an ad valorem tax lien against real property.
12 (d) The board may make a correction to or deletion from the
13 assessment roll that does not increase the amount of assessment of
14 any parcel of land without providing notice and holding a hearing in
15 the manner required for additional assessments.
16 Sec. 3982.0405. RESIDENTIAL PROPERTY NOT EXEMPT. Section
17 375.161, Local Government Code, does not apply to a tax authorized
18 or approved by the voters of the district or a required payment for
19 a service provided by the district, including water and sewer
20 services.
21 Sec. 3982.0406. TAX AND ASSESSMENT ABATEMENTS. The
22 district may designate reinvestment zones and may grant abatements
23 of district taxes or assessments on property in the zones.
24 SUBCHAPTER E. TAXES AND BONDS
25 Sec. 3982.0501. ELECTIONS REGARDING TAXES AND BONDS. (a)
26 The district may issue, without an election, bonds, notes, and
27 other obligations secured by:

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

3 (2) contract payments described by Section 3982.0503.

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

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

10 (d) All or any part of any facilities or improvements that
11 may be acquired by a district by the issuance of its bonds may be
12 submitted as a single proposition or as several propositions to be
13 voted on at the election.

14 Sec. 3982.0502. OPERATION AND MAINTENANCE TAX. (a) If
15 authorized by a majority of the district voters voting at an
16 election held in accordance with Section 3982.0501, the district
17 may impose an operation and maintenance tax on taxable property in
18 the district in accordance with Section 49.107, Water Code, for any
19 district purpose, including to:

20 (1) maintain and operate the district;

21 (2) construct or acquire improvements; or

22 (3) provide a service.

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

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

27 Sec. 3982.0503. CONTRACT TAXES. (a) In accordance with

1 Section 49.108, Water Code, the district may impose a tax other than
2 an operation and maintenance tax and use the revenue derived from
3 the tax to make payments under a contract after the provisions of
4 the contract have been approved by a majority of the district voters
5 voting at an election held for that purpose.

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

9 Sec. 3982.0504. AUTHORITY TO BORROW MONEY AND TO ISSUE
10 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on
11 terms determined by the board. Section 375.205, Local Government
12 Code, does not apply to a loan, line of credit, or other borrowing
13 from a bank or financial institution secured by revenue other than
14 ad valorem taxes.

15 (b) The district may issue bonds, notes, or other
16 obligations payable wholly or partly from ad valorem taxes,
17 assessments, impact fees, revenue, contract payments, grants, or
18 other district money, or any combination of those sources of money,
19 to pay for any authorized district purpose.

20 Sec. 3982.0505. 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 annual ad valorem tax, without limit as to rate or amount,
24 for each year that all or part of the bonds are outstanding as
25 required and in the manner provided by Sections 54.601 and 54.602,
26 Water Code.

27 Sec. 3982.0506. BONDS FOR ROAD PROJECTS. At the time of

1 issuance, the total principal amount of bonds or other obligations
2 issued or incurred to finance road projects and payable from ad
3 valorem taxes may not exceed one-fourth of the assessed value of the
4 real property in the district.

5 SUBCHAPTER F. SALES AND USE TAX

6 Sec. 3982.0601. APPLICABILITY OF CERTAIN TAX CODE
7 PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition,
8 computation, administration, enforcement, and collection of the
9 sales and use tax authorized by this subchapter except to the extent
10 Chapter 321, Tax Code, is inconsistent with this chapter.

11 (b) A reference in Chapter 321, Tax Code, to a municipality
12 or the governing body of a municipality is a reference to the
13 district or the board, respectively.

14 Sec. 3982.0602. ELECTION; ADOPTION OF TAX. (a) The
15 district may adopt a sales and use tax if authorized by a majority
16 of the voters of the district voting at an election held for that
17 purpose.

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

22 (c) The ballot shall be printed to provide for voting for or
23 against the proposition: "Authorization of a sales and use tax in
24 the Plum Creek Management District No. 1 of Liberty County at a rate
25 not to exceed ____ percent" (insert rate of one or more increments
26 of one-eighth of one percent).

27 Sec. 3982.0603. SALES AND USE TAX RATE. (a) On or after the

1 date the results are declared of an election held under Section
2 3982.0602, at which the voters approved imposition of the tax
3 authorized by this subchapter, the board shall determine and adopt
4 by resolution or order the initial rate of the tax, which must be in
5 one or more increments of one-eighth of one percent.

6 (b) After the election held under Section 3982.0602, the
7 board may increase or decrease the rate of the tax by one or more
8 increments of one-eighth of one percent.

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

11 (1) the maximum rate authorized by the district voters
12 at the election held under Section 3982.0602; or

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

18 Sec. 3982.0604. TAX AFTER MUNICIPAL ANNEXATION. (a) This
19 section applies to the district after a municipality annexes part
20 of the territory in the district and imposes the municipality's
21 sales and use tax in the annexed territory.

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

26 (c) If at the time of annexation the district does not have
27 outstanding debt or other obligations payable wholly or partly from

1 district sales and use tax revenue, the district may exclude the
2 annexed territory from the district, if the district has no
3 outstanding debt or other obligations payable from any source.

4 Sec. 3982.0605. NOTIFICATION OF RATE CHANGE. The board
5 shall notify the comptroller of any changes made to the tax rate
6 under this subchapter in the same manner the municipal secretary
7 provides notice to the comptroller under Section 321.405(b), Tax
8 Code.

9 Sec. 3982.0606. USE OF REVENUE. Revenue from the sales and
10 use tax imposed under this subchapter is for the use and benefit of
11 the district and may be used for any district purpose. The district
12 may pledge all or part of the revenue to the payment of bonds,
13 notes, or other obligations, and that pledge of revenue may be in
14 combination with other revenue, including tax revenue, available to
15 the district.

16 Sec. 3982.0607. ABOLITION OF TAX. (a) Except as provided
17 by Subsection (b), the board may abolish the tax imposed under this
18 subchapter without an election.

19 (b) The board may not abolish the tax imposed under this
20 subchapter if the district has outstanding debt secured by the tax,
21 and repayment of the debt would be impaired by the abolition of the
22 tax.

23 (c) If the board abolishes the tax, the board shall notify
24 the comptroller of that action in the same manner the municipal
25 secretary provides notice to the comptroller under Section
26 321.405(b), Tax Code.

27 (d) If the board abolishes the tax or decreases the tax rate

1 to zero, a new election to authorize a sales and use tax must be held
2 under Section 3982.0602 before the district may subsequently impose
3 the tax.

4 SUBCHAPTER G. DEFINED AREAS

5 Sec. 3982.0701. AUTHORITY TO ESTABLISH DEFINED AREAS OR
6 DESIGNATED PROPERTY. The district may define areas or designate
7 certain property of the district to pay for improvements,
8 facilities, or services that primarily benefit that area or
9 property and do not generally and directly benefit the district as a
10 whole.

11 Sec. 3982.0702. PROCEDURE FOR ELECTION. (a) Before the
12 district may impose an ad valorem tax or issue bonds payable from ad
13 valorem taxes of the defined area or designated property, the board
14 shall hold an election in the defined area or in the designated
15 property only.

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

18 Sec. 3982.0703. DECLARING RESULT AND ISSUING ORDER. (a) If
19 a majority of the voters voting at the election approve the
20 proposition or propositions, the board shall declare the results
21 and, by order, shall establish the defined area and describe it by
22 metes and bounds or designate the specific property.

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

26 Sec. 3982.0704. TAXES FOR SERVICES, IMPROVEMENTS, AND
27 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter

1 approval and adoption of the order described by Section 3982.0703,
2 the district may apply separately, differently, equitably, and
3 specifically its taxing power and lien authority to the defined
4 area or designated property to provide money to construct,
5 administer, maintain, and operate services, improvements, and
6 facilities that primarily benefit the defined area or designated
7 property.

8 Sec. 3982.0705. ISSUANCE OF BONDS FOR DEFINED AREA OR
9 DESIGNATED PROPERTY. After the order under Section 3982.0703 is
10 adopted, the district may issue bonds to provide for any land,
11 improvements, facilities, plants, equipment, and appliances for
12 the defined area or designated property.

13 Sec. 3982.0706. ADDITION OR EXCLUSION OF LAND IN DEFINED
14 AREA. The district may add or exclude land from the defined areas
15 in the same manner the district may add or exclude land from the
16 district.

17 SECTION 2. The Plum Creek Management District No. 1 of
18 Liberty County initially includes all territory contained in the
19 following area:

20 Being 2,774.31 acres of land situated in the James T. Dunman
21 Survey, Abstract 167, the Willis McWilkinson Survey, Abstract 318,
22 the H.T. & B. R.R. Co. Survey, Section 15, Abstract, the H.T. & B.
23 R.R. Co. Survey, Section 14-1/2 also known as the W.R. Searcy
24 Survey, Abstract 792, the H.T. & B. R.R. Co. Survey, Section 13-1/2,
25 Abstract 635, the W. McWilkinson Survey, Abstract 317, the Charles
26 Smith Survey, Abstract 350, the B.B.B. & C. Survey, Abstract 152,
27 the James Darwin Survey, Abstract 176, the William H.B. Witham

1 Survey, Abstract 395 and the Edward King Survey, Abstract 56 of
2 Liberty County, Texas; being part of a called 7,750.32 acre tract
3 conveyed to HF Houston Green Land, L.P. by Special Warranty Deed
4 recorded under Clerk's File No. 2006-008098 of the Liberty County
5 Official Public Records of Real Property; said 2,774.31 acres being
6 part of a called 8,673.34 acre tract described in Certificate for
7 Order Adding Land and Redefining Boundaries, document of which is
8 recorded in Clerk's File No. 2009-115395 of the Montgomery County
9 Official Public Records of Real Property and in Clerk's File
10 No. 2009018027 of the Official Public Records of Liberty County,
11 Texas; said 2,774.31 acres being comprised of three separate
12 tracts, and more particularly described by the following metes and
13 bounds, with all bearings being based on the calls of said 8,673.34
14 acre tract;

15 Tract 1 - 1,578.64 Acres

16 COMMENCING at the most northerly northwest corner of a called
17 1,122.98 acre parcel conveyed to HF Houston Green Land, L.P. by
18 Special Warranty Deed recorded under Clerk's File No. 2006-119940
19 of the Montgomery County Official Public Records of Real Property,
20 same being the most northerly northwest corner of said 8,673.34
21 acre parcel;

22 THENCE, North 87 degrees 33 minutes 40 seconds East, 451.90
23 feet along a northerly line of said 1,122.98 acre tract to an angle
24 point in the northerly line of said 1,122.98 acre parcel;

25 THENCE, North 87 degrees 05 minutes 50 seconds East, 2613.76
26 feet along a northerly line of said 1,122.98 acre tract, to an angle
27 point in the northerly line of said 1,122.98 acre parcel;

1 THENCE, North 87 degrees 09 minutes 40 seconds East, 399.30
2 feet along the north line of said 1,122.98 acre parcel and
3 continuing along the north line of said 7,550.32 acre tract to a
4 point for the northwest corner of a called 4,394.368 acre tract
5 described in Special Warranty Deed recorded in Clerk's File
6 No. 2016013974 of the Official Public Records of Liberty County,
7 Texas;

8 THENCE, along the common line of the remainder of said
9 7,550.32 acre parcel and said adjoining 4,394.368 acre parcel, the
10 following nine (9) courses and distances:

11 1. South 05 degrees 07 minutes 37 seconds East, a distance
12 of 85.52 feet to an angle point;

13 2. South 06 degrees 55 minutes 52 seconds East, a distance
14 of 1,062.76 feet to an angle point;

15 3. South 16 degrees 56 minutes 21 seconds East, a distance
16 of 421.03 feet to an angle point;

17 4. South 25 degrees 57 minutes 46 seconds East, a distance
18 of 451.32 feet to a point, beginning a curve to the right;

19 5. With said curve to the right, having a central angle of 43
20 degrees 59 minutes 15 seconds, an arc length of 383.86 feet, a
21 radius of 500.00 feet, and a chord bearing South 03 degrees 58
22 minutes 09 seconds East, 374.51 feet to a point;

23 6. South 18 degrees 01 minute 29 seconds West, a distance of
24 800.07 feet;

25 7. South 20 degrees 09 minutes 01 second East, a distance of
26 1,051.41 feet to the POINT OF BEGINNING and northwest corner of the
27 herein described parcel, same being the westerly southwest corner

1 of said adjoining 4,394.368 acre parcel;

2 8. South 77 degrees 48 Minutes 38 seconds East, a distance
3 of 12,787.72 feet to a point for the northeast corner of the herein
4 described tract;

5 9. South 10 degrees 28 minutes 05 seconds East, a distance
6 of 6,647.77 feet to a point for the southeast corner of the herein
7 described parcel and the remainder of said 7,550.32 acre parcel,
8 same being the southwest corner of said adjoining 4,394.368 acre
9 parcel;

10 THENCE, South 87 degrees 49 minutes 10 seconds West along the
11 south line of the herein described parcel and said 7,550.32 acre
12 parcel, a distance of 2,580.31 feet to an angle point on said line;

13 THENCE, South 87 degrees 28 minutes 44 seconds West
14 continuing along the south line of the herein described parcel and
15 said 7,550.32 acre parcel, a distance of 2,049.32 feet to a point
16 for the lower southwest corner of the herein described parcel,
17 being a point on the extraterritorial jurisdiction line of the City
18 of Houston, said extraterritorial jurisdiction line being at this
19 location an arc with a radius of 26,400 feet measured from a point
20 on the west line of the John R. Rhea Survey, Abstract 62 of Harris
21 County, located a distance of 2,500 feet north of the southwest
22 corner of said John R. Rhea Survey, as described in City of Houston
23 Ordinance No. 65-1905-A passed December 31, 1965 (Area No. 9),
24 beginning a curve to the left;

25 THENCE, with said curve to the left in said extraterritorial
26 jurisdiction line, having a central angle of 05 degrees 16 minutes
27 12 seconds, an arc length of 2,428.19 feet, a radius of 26,400.00

1 feet, and a chord bearing North 69 degrees 04 minutes 40 seconds
2 West, 2,427.33 feet to a point for corner in a west line of said
3 7,550.32 acre parcel;

4 THENCE, North 02 degrees 50 minutes 12 seconds West along the
5 lower west line of the herein described parcel and said 7,550.32
6 acre parcel, a distance of 2,539.52 feet to an angle point on said
7 line;

8 THENCE, North 02 degrees 38 minutes 21 seconds West
9 continuing along the lower west line of the herein described parcel
10 and said 7,550.32 acre parcel, a distance of 1,209.38 feet to a
11 reentry point of the herein described parcel;

12 THENCE, South 87 degrees 44 minutes 33 seconds West along a
13 southerly line of the herein described parcel and said 7,550.32
14 acre parcel, a distance of 4,800.59 feet to a point for corner on
15 the common line of Liberty County and Harris County, as described on
16 a map titled "A Resurvey of the Liberty-Montgomery, Liberty Harris
17 and Montgomery-Harris County Lines" filed for record in Volume 7,
18 Page 341 of the Montgomery County Deed Records;

19 THENCE, North 20 degrees 09 minutes 01 seconds West along
20 said common County Line, a distance of 5,329.52 feet to the POINT OF
21 BEGINNING, CONTAINING 1,578.64 acres of land, more or less.

22 Tract 2 - 138.36 Acres

23 COMMENCING at the most northerly northwest corner of said
24 1,122.98 acre parcel, same being the most northerly northwest
25 corner of said 8,673.34 acre parcel;

26 THENCE, South 71 degrees 45 minutes 13 seconds East, a
27 distance of 33,168.33 feet to a point for the southeast corner and

1 POINT OF BEGINNING of the herein described parcel, said point also
2 being the easternmost southeast corner of a said 7,550.32 acre
3 parcel;

4 THENCE, South 87 degrees 51 minutes 07 seconds West along the
5 lower south line of the herein described parcel, same being the
6 easternmost upper south line of said 7,550.32 acre parcel, a
7 distance of 2,339.90 feet to a point for the lower southwest corner
8 of the herein described tract and the easternmost southwest corner
9 of said 7,550.32 acre parcel;

10 THENCE, North 01 degree 59 minutes 09 seconds West along the
11 west line of the herein described parcel, same being the
12 easternmost west line of said 7,550.32, a distance of 1,325.35 feet
13 to a point for reentry corner of the herein described tract;

14 THENCE, North 77 degrees 54 minutes 20 seconds West along the
15 upper south line of the herein described tract, same being a
16 southerly line of said 7,550.32 acre parcel, a distance of 219.24
17 feet to an angle point on said line;

18 THENCE, North 83 degrees 12 minutes 30 seconds West
19 continuing along the upper south line of the herein described tract
20 and said southerly line of said 7,550.32 acre parcel, a distance of
21 422.76 feet to a point in the northerly high bank of Luce Bayou, for
22 the upper southwest corner of the herein described parcel, said
23 point also being in the southeast line of the aforementioned
24 adjoining 4,394.368 acre parcel;

25 THENCE, along the northerly bank of Luce Bayou, being the
26 northwest line of the herein described parcel, same being the
27 southeast line of said adjoining 4,394.368 acre parcel to points at

1 the following twenty three (23) courses and distances:

2 1. North 29 degrees 13 minutes 18 seconds East, a distance
3 of 288.16 feet;

4 2. North 22 degrees 54 minutes 55 seconds West, a distance
5 of 25.58 feet;

6 3. North 44 degrees 22 minutes 41 seconds West, a distance
7 of 219.92 feet;

8 4. North 40 degrees 51 minutes 59 seconds East, a distance
9 of 265.77 feet;

10 5. North 60 degrees 15 minutes 23 seconds East, a distance
11 of 589.74 feet;

12 6. North 76 degrees 20 minutes 59 seconds East, a distance
13 of 207.09 feet;

14 7. South 62 degrees 58 minutes 05 seconds East, a distance
15 of 263.50 feet;

16 8. South 85 degrees 04 minutes 58 seconds East, a distance
17 of 129.39 feet;

18 9. North 39 degrees 15 minutes 32 seconds East, a distance
19 of 269.90 feet;

20 10. South 44 degrees 12 minutes 23 seconds East, a distance
21 of 367.63 feet;

22 11. North 77 degrees 18 minutes 00 seconds East, a distance
23 of 128.41 feet;

24 12. South 15 degrees 35 minutes 40 seconds West, a distance
25 of 42.57 feet;

26 13. North 57 degrees 07 minutes 53 seconds East, a distance
27 of 157.37 feet;

1 14. South 62 degrees 07 minutes 28 seconds East, a distance
2 of 105.88 feet;
3 15. South 86 degrees 07 minutes 23 seconds East, a distance
4 of 56.96 feet;
5 16. North 08 degrees 28 minutes 03 seconds East, a distance
6 of 165.00 feet;
7 17. North 15 degrees 57 minutes 33 seconds East, a distance
8 of 180.33 feet;
9 18. North 81 degrees 29 minutes 31 seconds East, a distance
10 of 92.83 feet;
11 19. South 66 degrees 31 minutes 19 seconds East, a distance
12 of 305.88 feet;
13 20. North 71 degrees 59 minutes 48 seconds East, a distance
14 of 90.95 feet;
15 21. North 15 degrees 03 minutes 20 seconds East, a distance
16 of 283.46 feet;
17 22. North 38 degrees 50 minutes 41 seconds East, a distance
18 of 262.89 feet;
19 23. South 78 degrees 51 minutes 42 seconds East, a distance
20 of 94.27 feet to a point for the northeast corner of the herein
21 described parcel, being the easternmost northeast corner of the
22 remainder of said 7,550.32 acre parcel, and also being the
23 southeast corner of the aforementioned adjoining 4,394.368 acre
24 parcel;
25 THENCE, South 02 degrees 04 minutes 15 seconds East along the
26 east line of the herein parcel, same being the east line of said
27 7,550.32 acre parcel, a distance of 2,860.01 feet to the POINT OF

1 BEGINNING, CONTAINING 138.36 acres of land, more or less.

2 Tract 3 - 1,057.31 Acres

3 COMMENCING at the most northerly northwest corner of said
4 1,122.98 acre parcel, same being the most northerly northwest
5 corner of said 8,673.34 acre parcel;

6 THENCE, South 52 degrees 20 minutes 22 seconds East, a
7 distance of 32,311.35 feet to a point for the lower southeast corner
8 and POINT OF BEGINNING of the herein described parcel, said point
9 also being the southernmost southeast corner of said 7,550.32 acre
10 parcel;

11 THENCE, South 87 degrees 56 minutes 51 seconds West along the
12 south line of the herein described parcel, being the lower south
13 line of said 7,550.32 acre parcel, a distance of 3,371.57 feet to a
14 point for the lower southwest corner of the herein described
15 parcel, being a point on the extraterritorial jurisdiction line of
16 the City of Houston, said extraterritorial jurisdiction line being
17 at this location an arc with a radius of 26,400 feet measured from a
18 point on the west line of the John R. Rhea Survey, Abstract 62 of
19 Harris County, said point located a distance of 2,500 feet north of
20 the southwest corner of said John R. Rhea Survey, as described in
21 City of Houston Ordinance No. 65-1905-A passed December 31, 1965
22 (Area No. 9), beginning a curve to the left;

23 THENCE, with said curve to the left in said extraterritorial
24 jurisdiction line, having a central angle of 06 degrees 17 minutes
25 49 seconds, an arc length of 2,901.41 feet, a radius of 26,400.00
26 feet, and a chord bearing North 45 degrees 08 minutes 20 seconds
27 West, 2,289.95 feet to a point for corner in a west line of said

1 7,550.32 acre parcel;

2 THENCE, North 01 degree 25 minutes 03 seconds West continuing
3 along the west line of the herein described parcel and the lower
4 west line of said 7,550.32 acre parcel, a distance of 4,042.73 feet
5 to a point in the northerly high bank of Luce Bayou for the
6 northwest corner of the herein described parcel, said point being
7 the lower northwest corner of the remainder of said 7,550.32 acre
8 parcel, and also being the south corner of the aforementioned
9 adjoining 4,394.368 acre parcel;

10 THENCE, along the northerly bank of Luce Bayou, being the
11 northwest line of the herein described parcel and the lower
12 northwest line of the remainder of said 7,550.32 acre parcel, same
13 being the southeast line of said adjoining 4,394.368 acre parcel to
14 points at the following sixty (60) courses and distances:

15 1. North 61 degrees 21 minutes 26 seconds East, a distance
16 of 55.62 feet;

17 2. North 50 degrees 37 minutes 28 seconds East, a distance
18 of 91.94 feet;

19 3. North 35 degrees 59 minutes 28 seconds East, a distance
20 of 90.11 feet;

21 4. North 81 degrees 37 minutes 54 seconds East, a distance
22 of 99.10 feet;

23 5. North 57 degrees 51 minutes 37 seconds East, a distance
24 of 158.16 feet;

25 6. South 56 degrees 59 minutes 24 seconds East, a distance
26 of 107.50 feet;

27 7. South 36 degrees 14 minutes 37 seconds East, a distance

1 of 159.52 feet;
2 8. North 54 degrees 34 minutes 28 seconds East, a distance
3 of 191.37 feet;
4 9. South 77 degrees 54 minutes 48 seconds East, a distance
5 of 173.87 feet;
6 10. North 54 degrees 26 minutes 02 seconds East, a distance
7 of 146.38 feet;
8 11. North 62 degrees 41 minutes 22 seconds East, a distance
9 of 232.93 feet;
10 12. South 19 degrees 51 minutes 51 seconds East, a distance
11 of 112.24 feet;
12 13. North 82 degrees 24 minutes 12 seconds East, a distance
13 of 94.78 feet;
14 14. North 51 degrees 03 minutes 36 seconds East, a distance
15 of 200.86 feet;
16 15. North 66 degrees 08 minutes 09 seconds East, a distance
17 of 169.04 feet;
18 16. South 62 degrees 28 minutes 14 seconds East, a distance
19 of 153.91 feet;
20 17. North 38 degrees 34 minutes 21 seconds East, a distance
21 of 106.95 feet;
22 18. North 02 degrees 48 minutes 55 seconds East, a distance
23 of 326.69 feet;
24 19. South 45 degrees 23 minutes 50 seconds East, a distance
25 of 219.28 feet;
26 20. North 24 degrees 43 minutes 53 seconds East, a distance
27 of 142.40 feet;

1 21. North 62 degrees 19 minutes 52 seconds East, a distance
2 of 252.61 feet;
3 22. North 34 degrees 38 minutes 47 seconds East, a distance
4 of 226.60 feet;
5 23. North 42 degrees 20 minutes 23 seconds East, a distance
6 of 357.69 feet;
7 24. North 81 degrees 41 minutes 35 seconds East, a distance
8 of 167.94 feet;
9 25. North 32 degrees 37 minutes 57 seconds East, a distance
10 of 401.87 feet;
11 26. North 62 degrees 21 minutes 03 seconds East, a distance
12 of 139.87 feet;
13 27. South 52 degrees 41 minutes 51 seconds East, a distance
14 of 149.90 feet;
15 28. North 07 degrees 49 minutes 17 seconds East, a distance
16 of 138.14 feet;
17 29. North 11 degrees 25 minutes 11 seconds West, a distance
18 of 282.21 feet;
19 30. North 80 degrees 25 minutes 55 seconds East, a distance
20 of 195.83 feet;
21 31. North 57 degrees 50 minutes 39 seconds East, a distance
22 of 119.95 feet;
23 32. North 18 degrees 31 minutes 30 seconds East, a distance
24 of 202.53 feet;
25 33. North 41 degrees 32 minutes 27 seconds East, a distance
26 of 107.50 feet;
27 34. South 80 degrees 31 minutes 33 seconds East, a distance

1 of 185.98 feet;
2 35. South 03 degrees 41 minutes 25 seconds West, a distance
3 of 146.64 feet;
4 36. South 31 degrees 39 minutes 32 seconds East, a distance
5 of 47.04 feet;
6 37. North 80 degrees 27 minutes 52 seconds East, a distance
7 of 49.59 feet;
8 38. North 52 degrees 41 minutes 31 seconds East, a distance
9 of 204.57 feet;
10 39. North 43 degrees 52 minutes 42 seconds East, a distance
11 of 154.18 feet;
12 40. North 78 degrees 29 minutes 58 seconds East, a distance
13 of 229.58 feet;
14 41. South 38 degrees 31 minutes 15 seconds East, a distance
15 of 139.79 feet;
16 42. South 78 degrees 40 minutes 34 seconds East, a distance
17 of 165.26 feet;
18 43. North 18 degrees 05 minutes 01 second West, a distance
19 of 120.75 feet;
20 44. North 45 degrees 34 minutes 26 seconds East, a distance
21 of 292.64 feet;
22 45. North 24 degrees 08 minutes 01 second East, a distance
23 of 235.02 feet;
24 46. North 61 degrees 06 minutes 54 seconds East, a distance
25 of 124.69 feet;
26 47. North 27 degrees 51 minutes 51 seconds East, a distance
27 of 181.98 feet;

1 48. North 47 degrees 04 minutes 47 seconds East, a distance
2 of 801.66 feet;
3 49. South 01 degree 26 minutes 20 seconds East, a distance
4 of 179.11 feet;
5 50. South 07 degrees 16 minutes 18 seconds East, a distance
6 of 40.74 feet;
7 51. North 44 degrees 46 minutes 28 seconds East, a distance
8 of 505.22 feet;
9 52. North 59 degrees 29 minutes 52 seconds East, a distance
10 of 639.36 feet;
11 53. North 70 degrees 16 minutes 34 seconds East, a distance
12 of 631.52 feet;
13 54. South 26 degrees 38 minutes 58 seconds West, a distance
14 of 119.89 feet;
15 55. South 46 degrees 41 minutes 57 seconds East, a distance
16 of 275.51 feet;
17 56. North 29 degrees 00 minutes 30 seconds East, a distance
18 of 443.82 feet;
19 57. North 54 degrees 58 minutes 07 seconds East, a distance
20 of 189.36 feet;
21 58. South 63 degrees 53 minutes 28 seconds East, a distance
22 of 100.65 feet;
23 59. South 23 degrees 10 minutes 28 seconds East, a distance
24 of 213.82 feet;
25 60. North 65 degrees 05 minutes 26 seconds East, a distance
26 of 76.57 feet to a point for the northeast corner of the herein
27 described parcel, being the southernmost northeast corner of said

1 7,550.32 acre parcel, and being in an eastern line of the
2 aforementioned adjoining 4,394.368 acre parcel;

3 THENCE, South 02 degrees 42 minutes 29 seconds East along the
4 upper east line of the herein described parcel, being an east line
5 of said 7,550.32 acre parcel, a distance of 3,277.76 feet to a point
6 for the upper southeast corner of the herein described parcel,
7 being a southeast corner of said 7,220.32 acre parcel;

8 THENCE, South 87 degrees 37 minutes 48 seconds West along the
9 upper south line of the herein described parcel, being a south line
10 of said 7,550.32 acre parcel, a distance of 2,884.02 feet to a point
11 for reentry corner of the herein described parcel and said 7,550.32
12 acre parcel;

13 THENCE, South 02 degrees 20 minutes 58 seconds East along the
14 lower east line of the herein described parcel, being the
15 southernmost east line of said 7,550.32 acre parcel, a distance of
16 5,376.03 feet to an angle point on said line;

17 THENCE, South 00 degrees 27 minutes 55 seconds West
18 continuing along the lower east line of the herein described parcel
19 and the southernmost east line of said 7,550.32 acre parcel, a
20 distance of 1,540.65 feet to the POINT OF BEGINNING, CONTAINING
21 1,057.31 acres of land, for a total of 2,774.31 acres in Liberty
22 County, Texas as shown on drawing No. 12934 in the offices of Jones
23 & Carter, Inc., Bellaire, Texas.

24 SECTION 3. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

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

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

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

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 23, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB4661 by Bailes (Relating to the creation of Plum Creek Management District No. 1 of Liberty County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create certain management districts and specifies certain powers and obligations for these districts.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, SD, AF, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 17, 2019

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB4661 by Bailes (Relating to the creation of Plum Creek Management District No. 1 of Liberty County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create certain management districts and specifies certain powers and obligations for these districts.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, AF, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 16, 2019

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB4661 by Bailes (Relating to the creation of Plum Creek Management District No. 1 of Liberty County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create certain management districts and specifies certain powers and obligations for these districts.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, AF, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 8, 2019

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB4661 by Bailes (Relating to the creation of Plum Creek Management District No. 1 of Liberty County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code to create certain management districts and specifies certain powers and obligations for these districts.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, AF, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

86TH LEGISLATIVE REGULAR SESSION

April 23, 2019

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB4661 by Bailes (Relating to the creation of Plum Creek Management District No. 1 of Liberty County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Plum Creek Management District No. 1 of Liberty County (District) with the powers and duties of a standard municipal management district under Local Government Code Chapter 375.

Population - The very specific description of the proposed boundaries does not allow staff to develop precise population estimates.

Population growth in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Liberty County served by small water systems or private wells (County-Other) was 37,622. The Liberty County-Other population projections adopted for the 2022 State Water Plan projects the population to grow to 38,297 in 2020 and 41,651 in 2030.

Location - The proposed district's initial boundaries are described with a combination of Original Texas Land Surveys, Liberty County Official Public Records of Real Property, and metes and bounds. Due to the complexity of these boundaries for the various subareas of the district, staff is only able to determine the general location of the proposed district.

The proposed district's area is approximately 4.34 square miles in west Liberty County, along the northeast border of Harris County, located southeast of the City of Plum Grove, and northwest of the City of Dayton. The proposed boundary appears to be north of the intersection of Farm to Market Road 1960 and Farm to Market Road 686.

Comments on Powers/Duties Different from Similar Types of Districts:

A director is entitled to receive fees of office and reimbursement for actual expenses provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board; this bill grants the District authority for road projects; the District may exercise the powers given to a development corporation under Chapter 505, Local Government Code; the board by resolution may authorize the creation of a nonprofit corporation with the powers created

under Subchapter D, Chapter 431, Transportation Code; the District may contract to provide law enforcement services in the District; the District may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a District purpose; the bill allows the District to engage in economic development activities and exercise economic development powers under Chapter 380, Local Government Code and Subchapter A, Chapter 1509, Government Code; the District may acquire, lease, construct, develop, own, operate, and maintain parking facilities; the District may not construct, acquire, maintain, or operate a toll road; the District may construct, acquire, improve, maintain, finance, and operate rail facilities and improvements in aid of those facilities; the District may provide and coordinate rural public transportation in its territory in the manner provided by Sections 458.010 and 458.011, Transportation Code; the bill specifies that Section 458.012(a), related to public passenger transportation services, does not apply to the operations of the District; the bill specifies that the District may add or exclude land as provided by Subchapter J, Chapter 49, Water Code; Section 375.044(b), Local Government Code, does not apply to the District; the bill allows the District to divide; the District may not exercise the power of eminent domain; the board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board; the bill specifies that Section 375.161, Local Government Code, related to certain residential property exemptions, does not apply to a tax authorized or approved by the voters of the District or a required payment for a service provided by the District, including water and sewer services; the bill specifies that Subchapter I, Chapter 49, Water Code, relating to competitive bidding applies to the District; Section 375.243, Local Government Code, states that the board may not call a bond election unless a written petition has been filed with the board requesting an election, the bill specifies that this section does not apply to the District; the District may levy an operation and maintenance tax as provided for in Section 49.107 of the Water Code; Section 49.107(h), Water Code states that an operation and maintenance tax to be used for recreational facilities, as defined by Section 49.462, Water Code, levied by a district located in a county with a population of more than 3.3 million or in a county adjacent to that county may not exceed 10 cents per \$100 of assessed valuation of taxable property in the District; the bill specifies that this section does not apply to the District; the bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District; the bill allows the District to establish defined areas.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

Water Use - Within Liberty County, 59% of the total water use was supplied by surface water, and irrigation was the largest volume water use category comprising 57% of the county total water use in 2016. Municipal water use accounted for 39% of the county total water use in 2016. The water source the proposed district might pursue is unknown.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: WP, SZ