

1-1 By: Rodriguez (Senate Sponsor - Zaffirini) H.B. No. 4647
 1-2 (In the Senate - Received from the House May 17, 2021;
 1-3 May 17, 2021, read first time and referred to Committee on Local
 1-4 Government; May 22, 2021, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
 1-6 May 22, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 4647 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the creation of the Mustang Ridge Municipal Utility
 1-22 District; granting a limited power of eminent domain; providing
 1-23 authority to issue bonds; providing authority to impose
 1-24 assessments, fees, and taxes.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-26 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-27 Code, is amended by adding Chapter 7945A to read as follows:

1-28 CHAPTER 7945A. MUSTANG RIDGE MUNICIPAL UTILITY DISTRICT

1-29 SUBCHAPTER A. GENERAL PROVISIONS

1-30 Sec. 7945A.0101. DEFINITIONS. In this chapter:

1-31 (1) "Board" means the district's board of directors.

1-32 (2) "Commission" means the Texas Commission on
 1-33 Environmental Quality.

1-34 (3) "Director" means a board member.

1-35 (4) "District" means the Mustang Ridge Municipal
 1-36 Utility District.

1-37 Sec. 7945A.0102. NATURE OF DISTRICT. The district is a
 1-38 municipal utility district created under Section 59, Article XVI,
 1-39 Texas Constitution.

1-40 Sec. 7945A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-41 REQUIRED. The temporary directors shall hold an election to
 1-42 confirm the creation of the district and to elect five permanent
 1-43 directors as provided by Section 49.102, Water Code.

1-44 Sec. 7945A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-45 temporary directors may not hold an election under Section
 1-46 7945A.0103 until each municipality in whose corporate limits or
 1-47 extraterritorial jurisdiction the district is located has
 1-48 consented by ordinance or resolution to the creation of the
 1-49 district and to the inclusion of land in the district.

1-50 Sec. 7945A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-51 (a) The district is created to serve a public purpose and benefit.

1-52 (b) The district is created to accomplish the purposes of:

1-53 (1) a municipal utility district as provided by
 1-54 general law and Section 59, Article XVI, Texas Constitution; and

1-55 (2) Section 52, Article III, Texas Constitution, that
 1-56 relate to the construction, acquisition, improvement, operation,
 1-57 or maintenance of macadamized, graveled, or paved roads, or
 1-58 improvements, including storm drainage, in aid of those roads.

1-59 Sec. 7945A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-60 district is initially composed of the territory described by

2-1 Section 2 of the Act enacting this chapter.
 2-2 (b) The boundaries and field notes contained in Section 2 of
 2-3 the Act enacting this chapter form a closure. A mistake made in the
 2-4 field notes or in copying the field notes in the legislative process
 2-5 does not affect the district's:
 2-6 (1) organization, existence, or validity;
 2-7 (2) right to issue any type of bond for the purposes
 2-8 for which the district is created or to pay the principal of and
 2-9 interest on a bond;
 2-10 (3) right to impose a tax; or
 2-11 (4) legality or operation.
 2-12 SUBCHAPTER B. BOARD OF DIRECTORS
 2-13 Sec. 7945A.0201. GOVERNING BODY; TERMS. (a) The district
 2-14 is governed by a board of five elected directors.
 2-15 (b) Except as provided by Section 7945A.0202, directors
 2-16 serve staggered four-year terms.
 2-17 Sec. 7945A.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-18 effective date of the Act enacting this chapter, the owner or owners
 2-19 of a majority of the assessed value of the real property in the
 2-20 district may submit a petition to the commission requesting that
 2-21 the commission appoint as temporary directors the five persons
 2-22 named in the petition. The commission shall appoint as temporary
 2-23 directors the five persons named in the petition.
 2-24 (b) Temporary directors serve until the earlier of:
 2-25 (1) the date permanent directors are elected under
 2-26 Section 7945A.0103; or
 2-27 (2) the fourth anniversary of the effective date of
 2-28 the Act enacting this chapter.
 2-29 (c) If permanent directors have not been elected under
 2-30 Section 7945A.0103 and the terms of the temporary directors have
 2-31 expired, successor temporary directors shall be appointed or
 2-32 reappointed as provided by Subsection (d) to serve terms that
 2-33 expire on the earlier of:
 2-34 (1) the date permanent directors are elected under
 2-35 Section 7945A.0103; or
 2-36 (2) the fourth anniversary of the date of the
 2-37 appointment or reappointment.
 2-38 (d) If Subsection (c) applies, the owner or owners of a
 2-39 majority of the assessed value of the real property in the district
 2-40 may submit a petition to the commission requesting that the
 2-41 commission appoint as successor temporary directors the five
 2-42 persons named in the petition. The commission shall appoint as
 2-43 successor temporary directors the five persons named in the
 2-44 petition.
 2-45 SUBCHAPTER C. POWERS AND DUTIES
 2-46 Sec. 7945A.0301. GENERAL POWERS AND DUTIES. The district
 2-47 has the powers and duties necessary to accomplish the purposes for
 2-48 which the district is created.
 2-49 Sec. 7945A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-50 DUTIES. The district has the powers and duties provided by the
 2-51 general law of this state, including Chapters 49 and 54, Water Code,
 2-52 applicable to municipal utility districts created under Section 59,
 2-53 Article XVI, Texas Constitution.
 2-54 Sec. 7945A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-55 Section 52, Article III, Texas Constitution, the district may
 2-56 design, acquire, construct, finance, issue bonds for, improve,
 2-57 operate, maintain, and convey to this state, a county, or a
 2-58 municipality for operation and maintenance macadamized, graveled,
 2-59 or paved roads, or improvements, including storm drainage, in aid
 2-60 of those roads.
 2-61 Sec. 7945A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-62 road project must meet all applicable construction standards,
 2-63 zoning and subdivision requirements, and regulations of each
 2-64 municipality in whose corporate limits or extraterritorial
 2-65 jurisdiction the road project is located.
 2-66 (b) If a road project is not located in the corporate limits
 2-67 or extraterritorial jurisdiction of a municipality, the road
 2-68 project must meet all applicable construction standards,
 2-69 subdivision requirements, and regulations of each county in which

3-1 the road project is located.
3-2 (c) If the state will maintain and operate the road, the
3-3 Texas Transportation Commission must approve the plans and
3-4 specifications of the road project.

3-5 Sec. 7945A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-6 ORDINANCE OR RESOLUTION. The district shall comply with all
3-7 applicable requirements of any ordinance or resolution that is
3-8 adopted under Section 54.016 or 54.0165, Water Code, and that
3-9 consents to the creation of the district or to the inclusion of land
3-10 in the district.

3-11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-12 Sec. 7945A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-13 The district may issue, without an election, bonds and other
3-14 obligations secured by:

- 3-15 (1) revenue other than ad valorem taxes; or
- 3-16 (2) contract payments described by Section
3-17 7945A.0403.

3-18 (b) The district must hold an election in the manner
3-19 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-20 before the district may impose an ad valorem tax or issue bonds
3-21 payable from ad valorem taxes.

3-22 (c) The district may not issue bonds payable from ad valorem
3-23 taxes to finance a road project unless the issuance is approved by a
3-24 vote of a two-thirds majority of the district voters voting at an
3-25 election held for that purpose.

3-26 Sec. 7945A.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-27 authorized at an election held under Section 7945A.0401, the
3-28 district may impose an operation and maintenance tax on taxable
3-29 property in the district in accordance with Section 49.107, Water
3-30 Code.

3-31 (b) The board shall determine the tax rate. The rate may not
3-32 exceed the rate approved at the election.

3-33 Sec. 7945A.0403. CONTRACT TAXES. (a) In accordance with
3-34 Section 49.108, Water Code, the district may impose a tax other than
3-35 an operation and maintenance tax and use the revenue derived from
3-36 the tax to make payments under a contract after the provisions of
3-37 the contract have been approved by a majority of the district voters
3-38 voting at an election held for that purpose.

3-39 (b) A contract approved by the district voters may contain a
3-40 provision stating that the contract may be modified or amended by
3-41 the board without further voter approval.

3-42 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-43 Sec. 7945A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-44 OBLIGATIONS. The district may issue bonds or other obligations
3-45 payable wholly or partly from ad valorem taxes, impact fees,
3-46 revenue, contract payments, grants, or other district money, or any
3-47 combination of those sources, to pay for any authorized district
3-48 purpose.

3-49 Sec. 7945A.0502. TAXES FOR BONDS. At the time the district
3-50 issues bonds payable wholly or partly from ad valorem taxes, the
3-51 board shall provide for the annual imposition of a continuing
3-52 direct ad valorem tax, without limit as to rate or amount, while all
3-53 or part of the bonds are outstanding as required and in the manner
3-54 provided by Sections 54.601 and 54.602, Water Code.

3-55 Sec. 7945A.0503. BONDS FOR ROAD PROJECTS. At the time of
3-56 issuance, the total principal amount of bonds or other obligations
3-57 issued or incurred to finance road projects and payable from ad
3-58 valorem taxes may not exceed one-fourth of the assessed value of the
3-59 real property in the district.

3-60 SECTION 2. The Mustang Ridge Municipal Utility District
3-61 initially includes all the territory contained in the following
3-62 area:

3-63 BEING A 303.2 ACRE TRACT OUT OF THE JOSE SEFERINA MORA SURVEY NUMBER
3-64 6, ABSTRACT NUMBER 522, TRAVIS COUNTY, TEXAS, BEING THE
3-65 CONSOLIDATION OF SIX TRACTS OF LAND DESCRIBED HEREIN, BEING ALL OF A
3-66 CALLED 91.81 ACRE TRACT, DESCRIBED TO ALTON BROOKS LAWS, JR. AS
3-67 RECORDED IN VOLUME 10031, PAGE 431 OF THE REAL PROPERTY RECORDS OF
3-68 TRAVIS COUNTY, TEXAS [R.P.R.T.C.T.], AND BEING ALL OF A CALLED
3-69 107.33 ACRE TRACT, CONVEYED TO LAWS FAMILY PARTNERSHIP, LTD., AS

4-1 RECORDED IN DOCUMENT NUMBER 2008202782 OF THE OFFICIAL PUBLIC
 4-2 RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], AND BEING ALL OF A
 4-3 CALLED 92.775 TRACT, CONVEYED TO ALTON B. LAWS JR. AND WIFE, JOYCE
 4-4 KING LAWS, AS RECORDED IN VOLUME 3931, PAGE 2021 OF THE DEED RECORDS
 4-5 OF TRAVIS COUNTY, TEXAS [D.R.T.C.T.], AND BEING ALL OF A CALLED 6.00
 4-6 ACRES, CONVEYED TO ALTON B. LAWS, III, AS RECORDED IN DOCUMENT
 4-7 NUMBER 2001109391 [O.P.R.T.C.T.], AND BEING ALL OF A CALLED 6.00
 4-8 ACRES, CONVEYED TO LARRY L. LAWS AND TERRI R. LAWS, AS RECORDED IN
 4-9 DOCUMENT NUMBER 2000125247 [O.P.R.T.C.T.], AND BEING ALL OF A
 4-10 CALLED 1.00 ACRE TRACT, BEING A PORTION OF THAT 114.34 ACRE TRACT
 4-11 CONVEYED TO ALTON B. LAWS JR. AND WIFE, JOYCE K. LAWS, AS RECORDED
 4-12 IN VOLUME 174, PAGE 214 [D.R.T.C.T.], SAID 303.2 ACRE TRACT BEING
 4-13 MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

4-14 BEGINNING at a 1/2 inch rod found for the west corner of said
 4-15 91.81 acre tract, same being the south corner of a called 91.784
 4-16 acre tract described to MRLH, LLC, recorded in Document Number
 4-17 2020178896 [O.P.R.T.C.T.], same being on the northeast line of a
 4-18 called 223.25 acre tract, described to H. Philip Whitworth, Jr.,
 4-19 described in Volume 12605, Page 836 [O.P.R.T.C.T.],
 4-20 THENCE, N42°21'15"E, along the common line of said 91.81 acre tract
 4-21 and said 91.7984 acre tract, a distance of 3,395.26 feet to a 60D
 4-22 nail found for the north corner of said 91.81 acre tract, same being
 4-23 the east corner of said 91.7984 acre tract, also in the southwest
 4-24 right-of-way of Old Lockhart Highway, a 50-foot wide right-of-way,
 4-25 recorded in Document Number 2000125247 [O.P.R.T.C.T.],
 4-26 THENCE with the common lines of said right-of-way, said 91.81 acre
 4-27 tract, said 6.00 acre Larry L. Laws tract, said 107.33 acre tract,
 4-28 and said 92.775 acre tract, the following three (3) courses and
 4-29 distances:

4-30 1) S47°20'14"E, a distance of 1,465.76 feet to an angle
 4-31 point,

4-32 2) N42°02'10"E, a distance of 27.63 feet to an angle point,
 4-33 and

4-34 3) S48°15'17"E, a distance of 2,408.01 feet to a 6 inch cedar
 4-35 fence post, found at the east corner of said 92.775 acre tract and
 4-36 the tract described herein, same being a point on the said southwest
 4-37 right-of-way of Old Lockhart Highway, and being on the northwest
 4-38 right-of-way of Elm Grove Road, a variable width right-of-way,
 4-39 described in Volume 3426, Page 1348 [D.R.T.C.T.];

4-40 THENCE, S43°03'48"W, along the common line of said 92.775 acre
 4-41 tract, said 6.00 acre Alton B. Laws tract, and the northwest
 4-42 right-of-way of said Elm Grove Road, a distance of 3,469.91 feet to
 4-43 1/2-inch iron rod found for the south corner of said 92.775 acre
 4-44 tract, and the south corner of the tract described herein, same
 4-45 being the northerly southeast corner of Lot 2, Elm Grove Estates, a
 4-46 plat thereof recorded in Volume 92, Pages 263-264 of the Plat
 4-47 Records of Travis County, Texas, [P.R.T.C.T.];
 4-48 THENCE, N47°12'40"W, along the common line of said 91.775 acre tract
 4-49 and said 107.33 acre tract, said 91.81 acre tract, said Lot 2, and
 4-50 said 223.25 acre tract, a distance of 3,830.62 feet to the POINT OF
 4-51 BEGINNING of the tract described herein and containing
 4-52 approximately 303.2 acres.

4-53 Basis of bearing is the Texas Coordinate System, Central Zone
 4-54 [4203], NAD83 (2011), Epoch 2010.

4-55 SECTION 3. (a) The legal notice of the intention to
 4-56 introduce this Act, setting forth the general substance of this
 4-57 Act, has been published as provided by law, and the notice and a
 4-58 copy of this Act have been furnished to all persons, agencies,
 4-59 officials, or entities to which they are required to be furnished
 4-60 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 4-61 Government Code.

4-62 (b) The governor, one of the required recipients, has
 4-63 submitted the notice and Act to the Texas Commission on
 4-64 Environmental Quality.

4-65 (c) The Texas Commission on Environmental Quality has filed
 4-66 its recommendations relating to this Act with the governor, the
 4-67 lieutenant governor, and the speaker of the house of
 4-68 representatives within the required time.

4-69 (d) All requirements of the constitution and laws of this

5-1 state and the rules and procedures of the legislature with respect
5-2 to the notice, introduction, and passage of this Act are fulfilled
5-3 and accomplished.

5-4 SECTION 4. (a) If this Act does not receive a two-thirds
5-5 vote of all the members elected to each house, Subchapter C, Chapter
5-6 7945A, Special District Local Laws Code, as added by Section 1 of
5-7 this Act, is amended by adding Section 7945A.0306 to read as
5-8 follows:

5-9 Sec. 7945A.0306. NO EMINENT DOMAIN POWER. The district may
5-10 not exercise the power of eminent domain.

5-11 (b) This section is not intended to be an expression of a
5-12 legislative interpretation of the requirements of Section 17(c),
5-13 Article I, Texas Constitution.

5-14 SECTION 5. This Act takes effect immediately if it receives
5-15 a vote of two-thirds of all the members elected to each house, as
5-16 provided by Section 39, Article III, Texas Constitution. If this
5-17 Act does not receive the vote necessary for immediate effect, this
5-18 Act takes effect September 1, 2021.

5-19

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