

**House Bill 3140**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7903A to read as follows:

CHAPTER 7903A. HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7903A.0101. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Harris-Waller Counties Municipal Utility District No. 5.

Sec. 7903A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7903A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7903A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7903A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7903A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

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SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7903A to read as follows:

CHAPTER 7903A. HARRIS-WALLER COUNTIES MUNICIPAL UTILITY DISTRICT NO. 7

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7903A.0101. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Harris-Waller Counties Municipal Utility District No. 7.

Sec. 7903A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7903A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 7903A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7903A.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 7903A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

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(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and  
(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads. Sec. 7903A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.  
(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made 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 bond for the purposes for which the district is created or to pay the principal of and interest on a bond;  
(3) right to impose a tax; or  
(4) legality or operation.  
SUBCHAPTER B. BOARD OF DIRECTORS  
Sec. 7903A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.  
(b) Except as provided by Section 7903A.0202, directors serve staggered four-year terms.  
Sec. 7903A.0202. TEMPORARY DIRECTORS. (a) The temporary board consists of:  
(1) Josh Trlicek;  
(2) Sarah Sessum;  
(3) Courtney Wilcox;  
(4) Jonathan Corb; and  
(5) Tyler Brown.  
(b) Temporary directors serve until the earlier of:

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(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and  
(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads. Sec. 7903A.0106. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.  
(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made 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 bond for the purposes for which the district is created or to pay the principal of and interest on a bond;  
(3) right to impose a tax; or  
(4) legality or operation.  
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(b) Temporary directors serve until the earlier of:

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(1) the date permanent directors are elected under Section 7903A.0103; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7903A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7903A.0103; or

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

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7903A.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7903A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 7903A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district

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(1) the date permanent directors are elected under Section 7903A.0103; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 7903A.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 7903A.0103; or

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

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

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Sec. 7903A.0303. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district

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may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7903A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits the road project is located.

(b) If a road project is not located in the corporate limits of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c) If a road project extends across the boundary of the corporate limits of a municipality, the road project must meet:

(1) for a segment of a road project located in a municipality, the applicable construction standards, subdivision requirements, and regulations of that municipality; and

(2) for a segment of a road project located in the unincorporated area of a county, the applicable construction standards, subdivision requirements, and regulations of that county.

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

Sec. 7903A.0305. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016

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may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 7903A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b) If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

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

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or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS  
Sec. 7903A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7903A.0403.

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

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

Sec. 7903A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7903A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 7903A.0403. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or

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or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS  
Sec. 7903A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 7903A.0403.

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

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(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or

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amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7903A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7903A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7903A.0503. BONDS FOR ROAD PROJECTS. 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 the real property in the district.

SECTION 2. The Harris-Waller Counties Municipal Utility District **No. 5** initially includes all the territory contained in the following area:

Being a tract of land containing 45.924 acres (2,000,467 square feet) located in the J. Gibbons, Abstract Number (No.) 133 in Harris County and the J. Gibbons Survey, Abstract No. 286 in Waller County, Texas; Said 45.924 acre tract being all of a called 45.7143 acre tract recorded in the name of Thomas F. Mathis, Jr., Ronald Gene Mathis and Cathy Mathis Willhoite in Volume 339, Page 6 of the Waller County Deed

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amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7903A.0501. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7903A.0502. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7903A.0503. BONDS FOR ROAD PROJECTS. 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 the real property in the district.

SECTION 2. The Harris-Waller Counties Municipal Utility District **No. 7** initially includes all the territory contained in the following area:

Being a tract of land containing 45.924 acres (2,000,467 square feet) located in the J. Gibbons, Abstract Number (No.) 133 in Harris County and the J. Gibbons Survey, Abstract No. 286 in Waller County, Texas; Said 45.924 acre tract being all of a called 45.7143 acre tract recorded in the name of Thomas F. Mathis, Jr., Ronald Gene Mathis and Cathy Mathis Willhoite in Volume 339, Page 6 of the Waller County Deed

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Records (W.C.D.R.) and in Harris County Clerk's File Number (H.C.C.F. No.) H603706, (all bearings are based on the Texas Coordinate System of 1983 (NAD83), South Central Zone, per GPS observations):

Beginning at a 1-inch iron pipe found on the occupied West Right-Of-Way (R.O.W.) line of Mathis Road (called 99 feet wide in Volume 17, Page 222 of the Harris County Deed Records (H.C.D.R.) and shown as 66 feet wide on the Harris County Engineering Department R.O.W. Map No. 3912, Sec. 1, 1984), said pipe being at the northeast corner of a called 45.86 acre tract recorded in the name of Laretta Rena Callaway in H.C.C.F. No. U998001, for the southeast corner of the herein described tract, from which found 1/2-inch iron pipe for the southeast corner of said 45.86 acre tract bears South 02 degrees 31 minutes 13 seconds East, a distance of 605.89 feet;

Thence, with the line common to said 45.86 acre tract and said 45.7143 acre tract, South 87 degrees 45 minutes 20 seconds West, a distance of 3314.83 feet (called 3297.22 feet) to a 5/8-inch iron rod with a Miller Survey Group (MSG) cap set on the east line of a called 36.3038 acre tract, recorded in the name of Leslie W. Lofton and Catherine A. Lofton in Volume 670, Page 885 of the W.C.D.R., same being the northwest corner of said 45.86 acre tract for the southwest corner of said 45.7143 acre tract and the herein described tract, from which a found 3/4-inch pinch top pipe bears South 01 degrees 57 minutes 35 seconds East, a distance of 604.28 feet;

Thence, with the line common to said 36.3038 acre tract and said 45.7143 acre tract, North 01 degrees 57 minutes 35 seconds West, a distance of 603.94 feet to a 5/8-inch iron rod with a MSG cap set at the southwest corner of a called 37.759 acre tract of land recorded in the name of Brandon J. Cotton,

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Records (W.C.D.R.) and in Harris County Clerk's File Number (H.C.C.F. No.) H603706, (all bearings are based on the Texas Coordinate System of 1983 (NAD83), South Central Zone, per GPS observations):

Beginning at a 1-inch iron pipe found on the occupied West Right-Of-Way (R.O.W.) line of Mathis Road (called 99 feet wide in Volume 17, Page 222 of the Harris County Deed Records (H.C.D.R.) and shown as 66 feet wide on the Harris County Engineering Department R.O.W. Map No. 3912, Sec. 1, 1984), said pipe being at the northeast corner of a called 45.86 acre tract recorded in the name of Laretta Rena Callaway in H.C.C.F. No. U998001, for the southeast corner of the herein described tract, from which found 1/2-inch iron pipe for the southeast corner of said 45.86 acre tract bears South 02 degrees 31 minutes 13 seconds East, a distance of 605.89 feet;

Thence, with the line common to said 45.86 acre tract and said 45.7143 acre tract, South 87 degrees 45 minutes 20 seconds West, a distance of 3314.83 feet (called 3297.22 feet) to a 5/8-inch iron rod with a Miller Survey Group (MSG) cap set on the east line of a called 36.3038 acre tract, recorded in the name of Leslie W. Lofton and Catherine A. Lofton in Volume 670, Page 885 of the W.C.D.R., same being the northwest corner of said 45.86 acre tract for the southwest corner of said 45.7143 acre tract and the herein described tract, from which a found 3/4-inch pinch top pipe bears South 01 degrees 57 minutes 35 seconds East, a distance of 604.28 feet;

Thence, with the line common to said 36.3038 acre tract and said 45.7143 acre tract, North 01 degrees 57 minutes 35 seconds West, a distance of 603.94 feet to a 5/8-inch iron rod with a MSG cap set at the southwest corner of a called 37.759 acre tract of land recorded in the name of Brandon J. Cotton,

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et.al. in H.C.C.F. No. W570059, for the northwest corner of said 45.7143 acre tract and the herein described tract, from which a found 5/8-inch iron rod at the northwest corner of said 37.759 acre tract bears North 01 degrees 57 minutes 35 seconds West, a distance of 697.56 feet and from which a found 5/8-inch iron rod bears North 07 degrees 06 minutes West, a distance of 7.0 feet;

Thence, with the south line of a called 37.759 acre tract and the south line of a called 5.7142 acre tract recorded in the name of Jesus Duran in RP-2016-303676 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P.H.C.T.), same being the north line of said 45.7143 acre tract, North 87 degrees 45 minutes 20 seconds East, at a distance of 1649.83 feet pass a found 2-inch iron pipe at the common south corner of said 37.759 acre tract and said 5.7142 acre tract, and continue for a total distance of 3309.87 feet (called 3297.22 feet) to a 5/8-inch iron rod with a MSG cap set on the west R.O.W. line of said Mathis Road, at the southeast corner of said 5.7142 acre tract, for the northeast corner of said 45.7143 acre tract and the herein described tract, from which a found 3/4-inch iron pipe at the northeast corner of said 5.7142 acre tract, bears North 02 degrees 25 minutes 47 seconds West, a distance of 150.00 feet;

Thence, with the west R.O.W. line of said Mathis Road, same being the east line of said 45.7143 acre tract, South 02 degrees 25 minutes 47 seconds East, a distance of 603.94 feet to the Point of Beginning and containing 45.924 acres (2,000,467 square feet) of land.

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

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et.al. in H.C.C.F. No. W570059, for the northwest corner of said 45.7143 acre tract and the herein described tract, from which a found 5/8-inch iron rod at the northwest corner of said 37.759 acre tract bears North 01 degrees 57 minutes 35 seconds West, a distance of 697.56 feet and from which a found 5/8-inch iron rod bears North 07 degrees 06 minutes West, a distance of 7.0 feet;

Thence, with the south line of a called 37.759 acre tract and the south line of a called 5.7142 acre tract recorded in the name of Jesus Duran in RP-2016-303676 of the Official Public Records of Real Property of Harris County, Texas (O.P.R.R.P.H.C.T.), same being the north line of said 45.7143 acre tract, North 87 degrees 45 minutes 20 seconds East, at a distance of 1649.83 feet pass a found 2-inch iron pipe at the common south corner of said 37.759 acre tract and said 5.7142 acre tract, and continue for a total distance of 3309.87 feet (called 3297.22 feet) to a 5/8-inch iron rod with a MSG cap set on the west R.O.W. line of said Mathis Road, at the southeast corner of said 5.7142 acre tract, for the northeast corner of said 45.7143 acre tract and the herein described tract, from which a found 3/4-inch iron pipe at the northeast corner of said 5.7142 acre tract, bears North 02 degrees 25 minutes 47 seconds West, a distance of 150.00 feet;

Thence, with the west R.O.W. line of said Mathis Road, same being the east line of said 45.7143 acre tract, South 02 degrees 25 minutes 47 seconds East, a distance of 603.94 feet to the Point of Beginning and containing 45.924 acres (2,000,467 square feet) of land.

SECTION 3. Same as House version.

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

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

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

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

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7903A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7903A.0306 to read as follows:

Sec. 7903A.0306. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house,

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SECTION 4. Same as House version.

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as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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