

Chapter 135

H.B. No. 3081

AN ACT

relating to the creation of the Brazoria County Municipal Utility District No. 68; granting a limited power of eminent domain; 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 F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8493 to read as follows:

CHAPTER 8493. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 68

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8493.001. 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 Brazoria County Municipal Utility District No. 68.

Sec. 8493.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8493.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1 Sec. 8493.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

2 The district is created to serve a public purpose and benefit.

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

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

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

10 Sec. 8493.005. INITIAL DISTRICT TERRITORY. (a) The

11 district is initially composed of the territory described by
12 Section 2 of the Act enacting this chapter.

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

17 (1) organization, existence, or validity;

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

21 (3) right to impose a tax; or

22 (4) legality or operation.

23 Sec. 8493.006. CONSENT OF MUNICIPALITY. Municipal consent

24 to the creation of the district acts as municipal consent to the
25 creation of any new district created by the division of the district
26 under Section 8493.107.

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8493.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8493.052, directors serve
5 staggered four-year terms.

6 Sec. 8493.052. TEMPORARY DIRECTORS. (a) On or after the
7 effective date of the Act enacting this chapter, the owner or owners
8 of a majority of the assessed value of the real property in the
9 district may submit a petition to the commission requesting that
10 the commission appoint as temporary directors the five persons
11 named in the petition. The commission shall appoint as temporary
12 directors the five persons named in the petition.

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

14 (1) the date permanent directors are elected under
15 Section 8493.003; or

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

18 (c) If permanent directors have not been elected under
19 Section 8493.003 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

23 (1) the date permanent directors are elected under
24 Section 8493.003; or

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

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

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

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8493.101. GENERAL POWERS AND DUTIES. The district has
9 the powers and duties necessary to accomplish the purposes for
10 which the district is created.

11 Sec. 8493.102. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 8493.103. LEVEE IMPROVEMENT DISTRICT POWERS AND
17 DUTIES. The district has the powers and duties provided by the
18 general law of this state, including Chapter 57, Water Code,
19 applicable to levee improvement districts created under Section 59,
20 Article XVI, Texas Constitution.

21 Sec. 8493.104. AUTHORITY FOR ROAD PROJECTS. Under Section
22 52, Article III, Texas Constitution, the district may design,
23 acquire, construct, finance, issue bonds for, improve, operate,
24 maintain, and convey to this state, a county, or a municipality for
25 operation and maintenance macadamized, graveled, or paved roads, or
26 improvements, including storm drainage, in aid of those roads.

27 Sec. 8493.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road

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

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

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

13 Sec. 8493.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
14 OR RESOLUTION. The district shall comply with all applicable
15 requirements of any ordinance or resolution that is adopted under
16 Section 54.016 or 54.0165, Water Code, and that consents to the
17 creation of the district or to the inclusion of land in the
18 district.

19 Sec. 8493.107. DIVISION OF DISTRICT. (a) The district may
20 be divided into two or more new districts only if:

- 21 (1) the district has no outstanding bonded debt; and
22 (2) the district is not imposing ad valorem taxes.

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

26 (c) Any new district created by the division of the district
27 may not, at the time the new district is created, contain any land

1 outside the area described by Section 2 of the Act creating this
2 chapter.

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

7 (e) The board may adopt an order dividing the district
8 before or after the date the board holds an election under Section
9 8493.003 to confirm the creation of the district.

10 (f) An order dividing the district shall:

11 (1) name each new district;

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

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

15 and

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

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

22 (h) Any new district created by the division of the district
23 shall hold a confirmation and directors' election as required by
24 Section 8493.003.

25 (i) If the creation of the new district is confirmed, the
26 new district shall provide the election date and results to the
27 commission.

1 (j) Any new district created by the division of the district
2 must hold an election as required by this chapter to obtain voter
3 approval before the district may impose a maintenance tax or issue
4 bonds payable wholly or partly from ad valorem taxes.

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6 Sec. 8493.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
7 district may issue, without an election, bonds and other
8 obligations secured by:

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

10 (2) contract payments described by Section 8493.153.

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

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

19 Sec. 8493.152. OPERATION AND MAINTENANCE TAX. (a) If
20 authorized at an election held under Section 8493.151, the district
21 may impose an operation and maintenance tax on taxable property in
22 the district in accordance with Section 49.107, Water Code.

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

25 Sec. 8493.153. CONTRACT TAXES. (a) In accordance with
26 Section 49.108, Water Code, the district may impose a tax other than
27 an operation and maintenance tax and use the revenue derived from

1 the tax to make payments under a contract after the provisions of
2 the contract have been approved by a majority of the district voters
3 voting at an election held for that purpose.

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

7 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

8 Sec. 8493.201. AUTHORITY TO ISSUE BONDS AND OTHER
9 OBLIGATIONS. The district may issue bonds or other obligations
10 payable wholly or partly from ad valorem taxes, impact fees,
11 revenue, contract payments, grants, or other district money, or any
12 combination of those sources, to pay for any authorized district
13 purpose.

14 Sec. 8493.202. TAXES FOR BONDS. At the time the district
15 issues bonds payable wholly or partly from ad valorem taxes, the
16 board shall provide for the annual imposition of a continuing
17 direct ad valorem tax, without limit as to rate or amount, while all
18 or part of the bonds are outstanding as required and in the manner
19 provided by Sections 54.601 and 54.602, Water Code.

20 Sec. 8493.203. BONDS FOR ROAD PROJECTS. At the time of
21 issuance, the total principal amount of bonds or other obligations
22 issued or incurred to finance road projects and payable from ad
23 valorem taxes may not exceed one-fourth of the assessed value of the
24 real property in the district.

25 SECTION 2. The Brazoria County Municipal Utility District
26 No. 68 initially includes all the territory contained in the
27 following area:

1 5,440.64 acres of land, more or less, being part of the Sam T.
2 Angier Survey, Abstract 7, part of the L.P. Ehrmann Survey No. 24,
3 Abstract 521, all of the H.T. & B.R.R. Co. Survey No. 23, Abstract
4 248, all of the L.P. Ehrmann Survey No. 22, Abstract 519, all of the
5 H.T. & B.R.R. Co. Survey No. 25, Abstract 277, part of the L.P.
6 Ehrmann Survey No. 18, Abstract 520, part of the Day Land and Cattle
7 Company Survey, Abstract 602, part of the Hooper and Wade Survey
8 No. 11, Abstract 433, part of the H.T. & B.R.R. Co. Survey No. 21,
9 Abstract 247, part of the L.P. Ehrmann Survey No. 26, Abstract 522,
10 part of the L.P. Ehrmann Survey No. 28, Abstract 523, all of the
11 L.P. Ehrmann Survey No. 30, Abstract 524 and part of the James L.
12 Holmes Hrs. Survey, Abstract 610, all being in Brazoria County,
13 Texas and being that portion of J.T. Garrett Ranch within the
14 aforesaid surveys lying Northwest of Austin Bayou and West of State
15 Highway No. 35, and being more particularly described as follows:

16 Beginning at an old 1-1/4 inch iron pipe set at the most west
17 corner of the Sam T. Angier Survey No. 7, said iron pipe having a
18 car axle driven inside;

19 THENCE N 62° 33' 40" E along the Northwest line of said Angier
20 Survey a distance of 6121.62 feet to a point for corner in drain
21 ditch from which an axle bears N 62° 33' 40" E a distance of 60.0
22 feet:

23 THENCE S 64° 32' 36" E along the southerly line of a tract
24 deeded to W.L. Russell a distance of 6976.69 feet to the most south
25 corner of said Russell tract in the southeast line of the aforesaid
26 S.T. Angier Survey;

27 THENCE N 62° 33' 40" E along the southeast line of said survey

1 a distance of 102.99 feet to the most westerly corner of a 43.54
2 acre tract heretofore deeded to Noel Adams and now owned by Van
3 Adams, set axle for corner;

4 THENCE S 66° 10' 21" E along the southerly line of said tract a
5 distance of 2779.15 feet to the most easterly corner of said Adams
6 tract in the southwest line of the Day Land and Cattle Company
7 Survey, Abstract 603 which is marked with a car axle;

8 THENCE S 27° 08' 49" E along the southwest line of said Day
9 Land and Cattle Company Survey a distance of 5363.78 feet to a car
10 axle set for the most easterly corner of the H.T. & B.R.R. Company
11 Survey No. 23 and the most northerly corner of the H.T. & B.R.R. Co.
12 Survey No. 17;

13 THENCE S 62° 43' 15" W along the common line between the
14 aforesaid surveys 17 and 23 a distance of 5632.99 feet to a car axle
15 at fence corner being the most southerly corner of the H.T. & B.R.R.
16 Co. Survey No. 23 and the most north corner of the L.P. Ehrmann
17 Survey No. 18;

18 THENCE S 27° 19' 28" E along the common line as fenced between
19 the H.T. & B.R.R. Co. Survey No. 17 and the L.P. Ehrmann Survey
20 No. 18 a distance of 4619.62 feet to a car axle set at fence corner
21 on the west right-of-way of State Highway No. 35;

22 THENCE S 40° 09' 49" W along the westerly right-of-way of
23 State Highway No. 35 a distance of 1789.41 feet to a concrete
24 right-of-way marker;

25 THENCE S 51° 32' 34" W -- 204.15 feet to another concrete
26 right-of-way marker;

27 THENCE S 40° 09' 49" W continuing along said westerly

1 right-of-way of State Highway No. 35 a distance of 1481.05 feet to
2 the center of Austin Bayou;

3 THENCE up the center of Austin Bayou with its meanders as
4 follows:

5 N 79° 14' 57" W -- 168.5 feet;
6 N 51° 24' 10" W - 117.01 feet;
7 N 71° 47' 57" W - 232.15 feet;
8 N 73° 22' 38" W - 129.08 feet;
9 N 70° 08' 27" W - 171.36 feet;
10 N 82° 32' 24" W - 164.92 feet;
11 N 70° 47' 37" W - 87.93 feet;
12 N 57° 19' 47" W - 137.37 feet;
13 N 40° 24' 28" W - 113.95 feet;
14 N 22° 42' 37" W - 69.26 feet;
15 N 11° 18' 45" W - 71.45 feet;
16 N 09° 27' 22" W - 104.10 feet;
17 N 01° 01' 10" E - 122.61 feet;
18 N 12° 53' 51" E - 94.0 feet;
19 N 18° 34' 45" E - 169.66 feet;
20 N 03° 04' 06" W - 73.07 feet;
21 N 39° 01' 42" W - 136.73 feet;
22 N 47° 19' 35" W - 218.02 feet;
23 N 31° 09' 43" W - 84.54 feet;
24 N 60° 53' 25" W - 287.43 feet;
25 N 75° 04' 25" W - 94.22 feet;
26 S 89° 03' 59" W - 198.33 feet;
27 S 75° 49' 14" W - 261.70 feet;

1 N 79° 00' 01" W - 52.65 feet;
2 N 59° 17' 22" W - 153.58 feet;
3 N 56° 12' 52" W - 275.24 feet;
4 N 66° 00' 15" W - 102.50 feet;
5 N 79° 08' 49" W - 244.77 feet;
6 N 53° 33' 45" W - 181.58 feet;
7 N 35° 25' 48" W - 129.04 feet;
8 N 60° 58' 32" W - 172.12 feet;
9 N 77° 39' 46" W - 108.25 feet;
10 N 83° 02' 29" W - 240.12 feet;
11 S 75° 46' 26" W - 140.24 feet to southwest line of the L.P.
12 Ehrmann Survey, Abstract 520, Brazoria County, Texas;
13 THENCE N 27° 20' 21" W - along said line as fenced a distance
14 of 3657.42 feet to a concrete monument at the most easterly corner
15 of the H.T. & B.R.R. Co. Survey, Abstract 247;
16 THENCE S 63° 18' 12" W along the southeast line of said survey
17 a distance of 968.16 feet to the center line of Austin Bayou from
18 which a concrete monument bears S 63° 18' 12" W - 46.0 feet;
19 THENCE up the center of Austin Bayou with its meanders as
20 follows:
21 N 51° 24' 06 W - 296.62 feet;
22 N 36° 08' 10" W - 122.46 feet;
23 N 65° 38' 02" W - 392.73 feet;
24 N 57° 55' 04" W - 294.12 feet;
25 N 46° 38' 08" W - 370.63 feet;
26 N 73° 42' 00" W - 60.0 feet;
27 S 67° 34' 11" W - 136.46 feet;

- 1 S 55° 57' 04" W - 235.66 feet;
- 2 S 70° 05' 11" W - 209.43 feet;
- 3 S 81° 55' 54" W - 216.80 feet;
- 4 S 66° 18' 43" W - 157.22 feet;
- 5 S 81° 55' 53" W - 175.68 feet;
- 6 S 70° 10' 43" W - 151.80 feet;
- 7 S 25° 06' 10" W - 154.03 feet;
- 8 S 72° 14' 24" W -- 37.74 feet;
- 9 S 83° 03' 41" W - 112.63 feet;
- 10 N 71° 56' 24" W - 161.70 feet;
- 11 N 60° 47' 02" W - 211.74 feet;
- 12 N 69° 23' 17" W - 129.00 feet;
- 13 N 89° 41' 37" W - 227.82 feet;
- 14 N 84° 36' 43" W - 354.10 feet;
- 15 N 78° 50' 02" W - 292.98 feet;
- 16 N 74° 29' 13" W - 277.22 feet;
- 17 N 74° 03' 54" W - 143.21 feet;
- 18 N 75° 10' 12" W - 181.07 feet;
- 19 S 87° 16' 28" W - 48.17 feet;
- 20 S 74° 19' 15" W - 139.72 feet;
- 21 N 81° 51' 33" W - 61.10 feet;
- 22 S 57° 23' 06" W - 44.60 feet;
- 23 N 73° 27' 38" W - 109.43 feet;
- 24 N 59° 03' 47" W - 263.95 feet;
- 25 N 50° 22' 21" W - 444.58 feet;
- 26 N 18° 10' 11" W - 180.20 feet;
- 27 N 07° 52' 01" W - 384.09 feet;

- 1 N 44° 23' 52" W - 153.52 feet;
- 2 N 07° 28' 28" W - 79.16 feet;
- 3 N 47° 12' 34" W - 205.70 feet;
- 4 N 19° 29' 47" W - 45.45 feet;
- 5 N 16° 36' 47" E - 82.93 feet;
- 6 N 34° 32' 15" E - 157.31 feet;
- 7 N 01° 25' 49" W - 114.98 feet;
- 8 N 26° 57' 48" W - 175.49 feet;
- 9 N 13° 59' 54" W - 151.76 feet;
- 10 N 44° 39' 30" W - 76.95 feet;
- 11 N 37° 35' 48" W - 127.01 feet;
- 12 N 46° 20' 40" W - 48.51 feet;
- 13 N 55° 13' 20" W - 172.71 feet;
- 14 N 37° 24' 30" W - 126.42 feet;
- 15 N 30° 40' 23" W - 192.28 feet;
- 16 N 32° 47' 56" W - 59.29 feet;
- 17 N 82° 41' 23" W - 75.16 feet;
- 18 S 65° 32' 41" W - 70.58 feet;
- 19 N 70° 32' 46" W - 112.72 feet;
- 20 N 54° 38' 40" W - 117.70 feet;
- 21 N 50° 12' 34" W - 161.52 feet;
- 22 N 39° 04' 58" W - 184.65 feet;
- 23 N 62° 58' 54" W - 176.63 feet;
- 24 N 51° 56' 23" W - 225.85 feet;
- 25 N 55° 47' 02" W - 124.45 feet;
- 26 N 31° 10' 26" W - 83.56 feet;
- 27 N 76° 15' 34" W - 71.67 feet;

1 S 87° 24' 50" W - 148.50 feet;
2 S 89° 00' 30" W - 150.93 feet;
3 N 77° 00' 57" W - 210.11 feet;
4 N 67° 15' 00" W - 70.72 feet;
5 N 57° 46' 42" W - 210.31 feet;
6 N 45° 55' 40" W - 215.15 feet;
7 N 53° 36' 55" W - 126.07 feet;
8 N 76° 14' 02" W - 78.50 feet;
9 S 83° 31' 45" W - 105.45 feet;
10 S 73° 54' 27" W - 231.36" feet to the east line of the H.T. &
11 B.R.R. Co. Survey No. 27, Abstract 249;
12 THENCE N 00° 05' 00" E along said line at 40.0 feet set car
13 axle for reference corner and continue for a total distance of
14 878.47 feet to a concrete monument set for the most north corner of
15 said survey and being an interior corner of L.P. Ehrmann Survey
16 No. 28, Abstract 523, Brazoria County, Texas;
17 THENCE S 88° 39' 26" W along the north line of said survey
18 No. 27 as fenced a distance of 2631.36 feet to a concrete monument
19 for northwest corner of said survey and being the lower southwest
20 corner of the L.P. Ehrmann Survey No. 30;
21 THENCE N 00° 21' 18" W along the east line of the S.F. Austin
22 Survey, Abstract 24 as fenced a distance of 853.96 feet to a car
23 axle set at fence corner for the northeast corner of said S.F.
24 Austin Survey and being an interior corner of the L.P. Ehrmann
25 Survey No. 30;
26 THENCE S 89° 50' 43" W along the north line of said Austin
27 Survey and the south line of said survey No. 30 a distance of 2737.7

1 feet to an axle set by old cross tie on old fence line for the
2 recognized southwest corner of the L.P. Ehrmann Survey No. 30;

3 THENCE N 00° 01' 45" W along the west line of said survey
4 No. 30 a distance of 4531.01 feet to a car axle set by old cross tie
5 for the northwest corner of said survey No. 30;

6 THENCE S 89° 37' 09" E along the north line of said Survey
7 No. 30 at 2786.26 feet pass an old iron pipe set for the southeast
8 corner of the H.T. & B.R.R. Co. Survey No. 31 and continue for a
9 total distance of 5003.04 feet to a car axle set for the most west
10 corner of the James L. Holmes Hrs. Survey, Abstract 610 which is
11 also the northeast corner of the L.P. Ehrmann Survey No. 28;

12 THENCE S 87° 04' 59" E - 4088.56 feet to the PLACE OF BEGINNING
13 and containing 5440.64 acres of land, more or less.

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

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

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

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

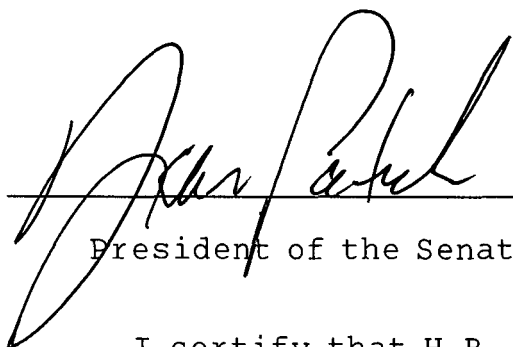
5 SECTION 4. (a) If this Act does not receive a two-thirds
6 vote of all the members elected to each house, Subchapter C, Chapter
7 8493, Special District Local Laws Code, as added by Section 1 of
8 this Act, is amended by adding Section 8493.108 to read as follows:

9 Sec. 8493.108. NO EMINENT DOMAIN POWER. The district may
10 not exercise the power of eminent domain.

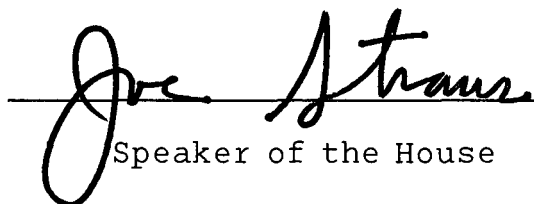
11 (b) This section is not intended to be an expression of a
12 legislative interpretation of the requirements of Section 17(c),
13 Article I, Texas Constitution.

14 SECTION 5. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2015.

H.B. No. 3081

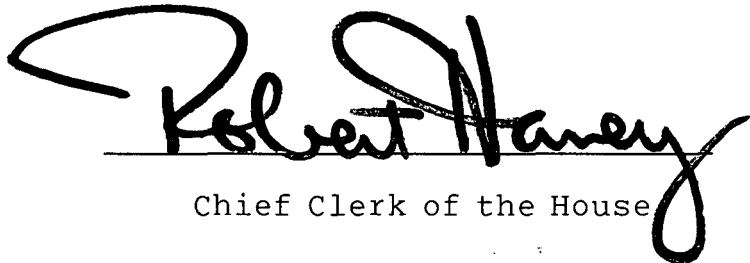


President of the Senate



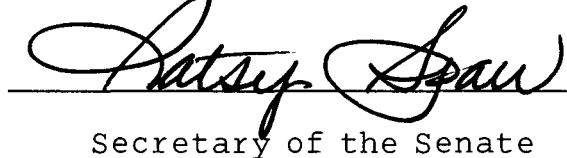
Speaker of the House

I certify that H.B. No. 3081 was passed by the House on April 23, 2015, by the following vote: Yeas 139, Nays 0, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 3081 was passed by the Senate on May 15, 2015, by the following vote: Yeas 30, Nays 1.



Secretary of the Senate

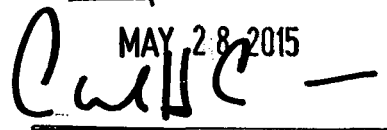
APPROVED: _____

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9^{pm} O'CLOCK

MAY 28 2015



Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 28, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3081 by Thompson, Ed (Relating to the creation of the Brazoria County Municipal Utility District No. 68; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KVe, EK

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 26, 2015

TO: Honorable Doug Miller, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3081 by Thompson, Ed (Relating to the creation of the Brazoria County Municipal Utility District No. 68; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KVe, EK

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

WATER DEVELOPMENT POLICY IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

March 31, 2015

TO: Honorable Doug Miller, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3081 by Thompson, Ed (Relating to the creation of the Brazoria County Municipal Utility District No. 68; granting a limited power of eminent domain; 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:

The bill creates the Brazoria County Municipal Utility District No. 68 (the "District") with the powers and duties of a standard municipal utility district under Water Code, Chapters 49 and 54.

Population - The very specific description of the proposed boundaries does not allow staff to develop precise population estimates. Based on the Original Texas Land Surveys mentioned in HB 3081, the population of the area in 2010 Census is estimated to be 210.

Population growth in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Brazoria County served by small systems or private wells ('County-Other') is 85,152. The Brazoria County-Other population projections approved for the 2016 Region H Water Plan projects the population to grow to 109,994 in 2020, 142,514 in 2030 and 173,919 in 2040.

Location - The Proposed districts initial boundaries are described with a combination of Original Texas Land Surveys, Brazoria County Records and metes and bounds. Due to the complexity of these boundaries for the various sub areas of the district, staff is able to determine only the general location of the proposed district.

The proposed district's area is approximately 8.5 square miles in Northeast Brazoria County, located southeast of Alvin City, and to the north of Danbury City and Angleton. The proposed district could fall within S P Utility Company Certificate of Convenience and Necessity (CCN), and Bayou Shadows CCN. The proposed

district is adjacent to the east to several small water systems including; Briar Meadows, Savannah Plantation Subdivision, Oak Bend Estates, Mark V Estates, and Bayou Shadows Water System.

Comments on Powers/Duties Different from Similar Types of Districts: The bill grants the District road powers; the bill grants the District levee improvement district powers under Code Chapter 57; the bill allows the District to divide; and if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

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 - HB 3081 specifies that "the district has the powers and duties provided by the general law of the state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution".

Within Brazoria County, 13 Percent of the total water use was groundwater (primarily Gulf Coast Aquifer) in 2012. Eighty-seven percent of all the groundwater pumping was for municipal use. The water source of the proposed district might pursue is unknown.

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

LBB Staff: UP, SZ

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 27, 2015

The Honorable Joe Straus
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 3081, as Filed by Representative Ed Thompson - Relating to the creation of the Brazoria County Municipal Utility District No. 68; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

A handwritten signature in cursive script that reads "Linda Brookins".

Linda Brookins, Director
Water Supply Division

cc: Honorable Doug Miller, Chairman, House Committee on Special Purpose Districts
Representative Ed Thompson, Texas House of Representatives

Enclosure

**HB 3081, as Filed by Representative Ed Thompson
Texas Commission on Environmental Quality's Comments**

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

The bill creates the Brazoria County Municipal Utility District No. 68 (the "District") with the powers and duties of a standard municipal utility district under Water Code, Chapters 49 and 54.

Comments on Powers/Duties Different from Similar Types of Districts: The bill grants the District road powers; the bill grants the District levee improvement district powers under Water Code Chapter 57; the bill allows the District to divide; and if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

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.

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 3081

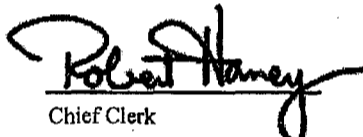
Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

3/13/2015

Date transmitted to
Governor's Office

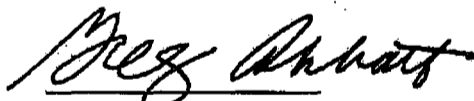

Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

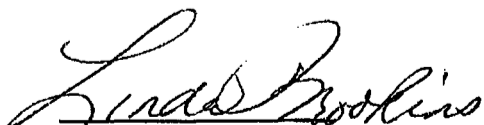
March 16, 2015

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality



84R HB 03081

AFFP
NOTICE OF INTENT TO INTRODUCE A

Affidavit of Publication

STATE OF TEXAS }
COUNTY OF BRAZORIA } SS

NOTICE OF INTENT TO
INTRODUCE A BILL

Cindy Cornette, being duly sworn, says:

That he is Advertising Director of the The Facts, a daily newspaper of general circulation, printed and published in Clute, Brazoria County, Texas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

January 12, 2015

Pursuant to the Constitution and laws of the State of Texas, notice is hereby given of the intention to apply to the 84th Legislature of the State of Texas at its regular session in Austin, Texas for the introduction of a bill, the substance of the contemplated law being as follows:

An act relating to the creation, administration, powers, duties, operation and financing of the Brazoria County Municipal Utility District No. 68; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

The Act proposes to create a conservation and reclamation district to be known as Brazoria County Municipal Utility District No. 68, being approximately 5,441 acres in Brazoria County, Texas, more particularly described as follows:


Bounded on the west by Texas State Highway 288; on the north by Texas State Highway 1462; and on the southeast by Texas State Highway 35.

The District's creation is subject to approval at a confirmation election.

All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and laws of the State of Texas.

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Advertising Director

Subscribed to and sworn to me this 12th day of January 2015.



Alexi Meredith Self, Notary, Brazoria County, Texas

Alexi Meredith Self, Notary, Brazoria County, Texas

My commission expires: August 24, 2015

00008226 00034674

Coats & Rose
Barton Oaks Plaza 901 South MoPac Expy
Building 1, Suite 500
AUSTIN, TX 78746