(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 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, 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, 2013.

Passed the Senate on March 27, 2013: Yeas 30, Nays 0; passed the House on May 17, 2013: Yeas 134, Nays 0, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 437
S.B. No. 607
AN ACT
relating to the creation of the Waller County Municipal Utility District No. 18; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 8448 to read as follows:

CHAPTER 8448. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 18
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8448.001. 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 Waller County Municipal Utility District No. 18.

Sec. 8448.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8448.003. 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.

Sec. 8448.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8448.003 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. 8448.005. 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:

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

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Subchapter B. Board of Directors

Sec. 8448.051. Governing Body; Terms. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8448.052, directors serve staggered four-year terms.

Sec. 8448.052. Temporary Directors. (a) On or after the effective date of the Act enacting this chapter, 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 temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8448.003; 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 8448.003 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 8448.003; 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. 8448.101. General Powers and Duties. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8448.102. 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. 8448.103. Authority for Road Projects. Under Section 52, Article III, Texas Constitution, the district 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. 8448.104. 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, zoning and 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.

Sec. 8448.105. 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 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. 8448.151. 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 8448.153.

(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. 8448.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8448.151, 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. 8448.153. 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 amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8448.201. 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. 8448.202. 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 54.608, Water Code.

Sec. 8448.203. 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 Waller County Municipal Utility District No. 18 initially includes all the territory contained in the following area:

Being 826.853 acres of land located in the Nathan Brookshire League, Abstract 16, Waller County, Texas, more particularly being a portion of that certain called 512.81 acre tract conveyed to NBI PROPERTIES, INC., by an instrument of record in Volume 1272, Page 838 of the Waller County Official Public Records (W.C.O.P.R.), all of that certain called 63.00 acre tract conveyed to NBI PROPERTIES, INC., by an instrument of record in Volume 1334, Page 445, W.C.O.P.R., a portion of that certain called 89.10 acre tract conveyed to WOODS ROAD & I-10 INVESTMENTS, INC. by an instrument of record in Volume 1334, Page 457, W.C.O.P.R., all of that certain called 16.93 acre tract conveyed to WOODS ROAD & I-10 INVESTMENTS, INC. by an instrument executed to be effective as of December 21, 2012, said 826.853 acres being more particularly described in two parts by metes and bounds as follows (all bearings are assumed);

PART 1

BEGINNING at the south corner of said 512.81 acre tract, also being in the northwest right-of-way line of F.M. Highway 359 (100-foot wide) and being on the common county line of Waller County and Fort Bend County, Texas;

Thence, North 35° 56' 35" West, along the west line of said 512.81 acres, 2,251.49 feet to a point for corner, the beginning of a curve;

Thence, continuing along said west line, 432.35 feet along the arc of a tangent curve to the left having a radius of 2,960.16 feet, a central angle of 080° 22' 06", and a chord which bears North 400° 07' 38" West, 431.96 feet to a point for corner;

Thence, North 44° 17' 27" West, continuing along said west line 466.43 feet to a point for corner;

Thence, North 45° 32' 32" East, leaving said west line, 219.66 feet to a point for corner;

Thence, North 39° 01' 07" East, 312.51 feet to a point for corner;

Thence, North 32° 29' 44" East, 312.51 feet to a point for corner;

Thence, North 25° 58' 19" East, 312.50 feet to a point for corner;

Thence, North 19° 26' 57" East, 312.51 feet to a point for corner;

Thence, North 12° 55' 32" East, 312.50 feet to a point for corner;

Thence, North 06° 24' 08" East, 312.50 feet to a point for corner;

Thence, North 00° 07' 15" West, 306.77 feet to a point for corner;

Thence, North 02° 16' 25" West, 1,497.83 feet to a point for corner on a southerly line of Partition Tract 1 of a partition of a called 150.0909 acre tract recorded in Volume 152, Page 288, Waller County Deed Records (W.C.D.R.) also being on the north line of aforementioned 89.10 acre tract, from which the northwest corner of said 89.10 acre tract bears South 87° 34' 14" West, 467.86 feet;

Thence, North 87° 34' 14" East, along the common line of said Partition Tract 1 and said 89.10 acre tract, 467.86 feet to a point for corner being the northwest corner of that certain called 10.00 acre tract conveyed to William Kirkland Brookshire by an instrument of record in Volume 1261, Page 745, W.C.O.P.R.;

Thence, along the common line of said 10.00 acre tract and said 89.10 acre tract, the following six (6) courses:

1. South 14° 04' 22" West, 246.28 feet to a point for corner;
2. South 40° 43' 26" West, 47.92 feet to a point for corner;
3. South 55° 47' 07" West, 98.99 feet to a point for corner;
4. South 70° 00' 30" West, 188.93 feet to a point for corner;
5. North 87° 34' 14" East, 1,420.55 feet to a point for corner;
6. North 02° 07' 41" West, 390.25 feet to a point for corner, being on the aforementioned common line of said Partition Tract 1 and said 89.10 acre tract;
Thence, North 87° 34' 14" East, along said common line, 1,540.58 feet to a point for corner, being the northwest corner of that certain called 17.2825 acre tract, conveyed to Kohinoor Group, L.P. by an instrument of record in Volume 1293, Page 107, W.C.O.P.R.,

Thence, South 02° 30' 41" East, along the common line of said 17.2825 acre tract and the aforementioned 89.10 acre tract, 199.61 feet to a point for corner, being the southwest corner of said 17.2825 acre tract;

Thence, North 87° 34' 14" East, continuing along said common line, 3,771.58 feet to a point for corner, being the northeast corner of aforementioned 89.10 acre tract, also being on the common survey line of aforementioned Nathan Brookshire League, Abstract 16 and the H.H. Pennington Survey, Abstract 322, Waller County, Texas;

Thence, South 02° 30' 41" East, along the east line of said 89.10 acre tract and the east line of aforementioned 16.58 acre tract and said common survey line, 677.74 feet to a point for corner;

Thence, South 02° 34' 03" East, continuing along said east line of said 89.10 acre tract, said common survey line and the aforementioned 190.81 acre tract, 963.88 feet to a point for corner, being the most northerly northeast corner of the aforementioned 512.81 acre tract;

Thence, South 02° 40' 16" East, along an east line of said 512.81 acre tract, 956.04 feet to a point for corner;

Thence, North 87° 47' 23" East, along a north line of said 512.81 acre tract, 917.94 feet to a point for corner, being on the west right-of-way line of Woods Road (80-feet wide);

Thence, South 02° 40' 45" East, along the common line of said Woods Road and said 512.81 acre tract, 845.74 feet to a point for corner, being on the common county line of said Waller County and Fort Bend County, Texas;

Thence, South 64° 48' 51" West, along said common county line and the southeast line of said 512.81 acre tract, 6,445.42 feet to the POINT OF BEGINNING and containing 763.858 acres of land;

**PART 2**

COMMENCING for reference at the northwest corner of the aforementioned 89.10 acre tract, same being the southwest corner of the aforementioned Partition Tract 1;

Thence, North 02° 16' 25" East, along the west line of said Partition Tract 1, 53.63 feet to a point;

Thence, North 87° 52' 19" East, along the north line of said Partition Tract 1, 2,230.79 feet to the POINT OF BEGINNING, also being the southwest corner of the aforementioned 63.00 acre tract;

Thence, North 02° 56' 36" West, along the west line of said 63.00 acre tract, 896.19 feet to a point for corner;

Thence, North 02° 13' 46" West, continuing along the west line of said 63.00 acre tract, 363.94 feet to a point for corner;

Thence, North 02° 34' 46" West, continuing along the west line of said 63.00 acre tract, 703.01 feet to a point for corner, being the northwest corner of said 63.00 acre tract;

Thence, North 86° 29' 35" East, along the north line of said 63.00 acre tract, 1,396.67 feet to a point for corner being the northeast corner of said 63.00 acre tract;

Thence, South 02° 33' 43" East, along the east line of said 63.00 acre tract, 1,996.49 feet to a point for corner, being the southeast corner of said 63.00 acre tract and on the north line of aforementioned Partition Tract 1;
Thence, South 87° 52' 19" West, along the common line of said 63.00 acre tract and said Partition Tract 1, 1,380.18 feet to the POINT OF BEGINNING and containing 62.995 acres of land.

Said Part One and Part Two containing a total of 826.853 acres of land.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this 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 8448, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8448.106 to read as follows:

Sec. 8448.106. 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 Subsection (c), Section 17, 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, 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, 2013.

Passed the Senate on April 18, 2013: Yeas 31, Nays 0; passed the House on May 17, 2013: Yeas 134, Nays 0, two present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 438

S.B. No. 634

AN ACT
relating to regulating faulty on-site sewage disposal systems in the unincorporated areas of a county as a public nuisance; providing a criminal penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 343.011, Health and Safety Code, is amended to read as follows:

(e) A public nuisance is:

(1) keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle;

(2) keeping, storing, or accumulating rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on premises in a neighborhood or within 300 feet of a public street for 10 days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street;