

1-1 By: Ellzey (Senate Sponsor - Birdwell) H.B. No. 4584  
 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 24, 2021, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
 1-6 May 24, 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. 4584 By: Springer

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

1-21 relating to the creation of the Sterrett Road Municipal Management  
 1-22 District; providing authority to issue bonds; providing authority  
 1-23 to impose assessments, fees, and taxes.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-25 SECTION 1. Subtitle C, Title 4, Special District Local Laws  
 1-26 Code, is amended by adding Chapter 3959 to read as follows:

1-27 CHAPTER 3959. STERRETT ROAD MUNICIPAL MANAGEMENT DISTRICT  
 1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 3959.0001. DEFINITIONS. In this chapter:

- 1-30 (1) "Board" means the district's board of directors.
- 1-31 (2) "City" means the City of Waxahachie.
- 1-32 (3) "Director" means a board member.
- 1-33 (4) "District" means the Sterrett Road Municipal

1-34 Management District.  
 1-35 Sec. 3959.0002. NATURE OF DISTRICT. The Sterrett Road  
 1-36 Municipal Management District is a special district created under  
 1-37 Section 59, Article XVI, Texas Constitution.

1-38 Sec. 3959.0003. PURPOSE; DECLARATION OF INTENT. (a) The  
 1-39 creation of the district is essential to accomplish the purposes of  
 1-40 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
 1-41 Texas Constitution, and other public purposes stated in this  
 1-42 chapter.

1-43 (b) By creating the district and in authorizing the city and  
 1-44 other political subdivisions to contract with the district, the  
 1-45 legislature has established a program to accomplish the public  
 1-46 purposes set out in Section 52-a, Article III, Texas Constitution.

1-47 (c) The creation of the district is necessary to promote,  
 1-48 develop, encourage, and maintain employment, commerce,  
 1-49 transportation, housing, tourism, recreation, the arts,  
 1-50 entertainment, economic development, safety, and the public  
 1-51 welfare in the district.

1-52 (d) This chapter and the creation of the district may not be  
 1-53 interpreted to relieve the city from providing the level of  
 1-54 services provided as of the effective date of the Act enacting this  
 1-55 chapter to the area in the district. The district is created to  
 1-56 supplement and not to supplant city services provided in the  
 1-57 district.

1-58 Sec. 3959.0004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-59 (a) All land and other property included in the district will  
 1-60 benefit from the improvements and services to be provided by the

2-1 district under powers conferred by Sections 52 and 52-a, Article  
2-2 III, and Section 59, Article XVI, Texas Constitution, and other  
2-3 powers granted under this chapter.

2-4 (b) The district is created to serve a public use and  
2-5 benefit.

2-6 (c) The creation of the district is in the public interest  
2-7 and is essential to further the public purposes of:

2-8 (1) developing and diversifying the economy of the  
2-9 state;

2-10 (2) eliminating unemployment and underemployment; and

2-11 (3) developing or expanding transportation and  
2-12 commerce;

2-13 (d) The district will:

2-14 (1) promote the health, safety, and general welfare of  
2-15 residents, employers, potential employees, employees, visitors,  
2-16 and consumers in the district, and of the public;

2-17 (2) provide needed funding for the district to  
2-18 preserve, maintain, and enhance the economic health and vitality of  
2-19 the district territory as a community and business center;

2-20 (3) promote the health, safety, welfare, and enjoyment  
2-21 of the public by providing pedestrian ways and by landscaping and  
2-22 developing certain areas in the district, which are necessary for  
2-23 the restoration, preservation, and enhancement of scenic beauty;  
2-24 and

2-25 (4) provide for water, wastewater, drainage, road, and  
2-26 recreational facilities for the district.

2-27 (e) Pedestrian ways along or across a street, whether at  
2-28 grade or above or below the surface, and street lighting, street  
2-29 landscaping, parking, and street art objects are parts of and  
2-30 necessary components of a street and are considered to be a street  
2-31 or road improvement.

2-32 (f) The district will not act as the agent or  
2-33 instrumentality of any private interest even though the district  
2-34 will benefit many private interests as well as the public.

2-35 Sec. 3959.0005. INITIAL DISTRICT TERRITORY. (a) The  
2-36 district is initially composed of the territory described by  
2-37 Section 2 of the Act enacting this chapter.

2-38 (b) The boundaries and field notes contained in Section 2 of  
2-39 the Act enacting this chapter form a closure. A mistake in the field  
2-40 notes or in copying the field notes in the legislative process does  
2-41 not affect the district's:

2-42 (1) organization, existence, or validity;

2-43 (2) right to issue any type of bonds for the purposes  
2-44 for which the district is created or to pay the principal of and  
2-45 interest on the bonds;

2-46 (3) right to impose or collect an assessment or tax; or

2-47 (4) legality or operation.

2-48 Sec. 3959.0006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.  
2-49 All or any part of the area of the district is eligible to be  
2-50 included in:

2-51 (1) a tax increment reinvestment zone created under  
2-52 Chapter 311, Tax Code; or

2-53 (2) a tax abatement reinvestment zone created under  
2-54 Chapter 312, Tax Code.

2-55 Sec. 3959.0007. APPLICABILITY OF MUNICIPAL MANAGEMENT  
2-56 DISTRICTS LAW. Except as otherwise provided by this chapter,  
2-57 Chapter 375, Local Government Code, applies to the district.

2-58 Sec. 3959.0008. CONSTRUCTION OF CHAPTER. This chapter  
2-59 shall be liberally construed in conformity with the findings and  
2-60 purposes stated in this chapter.

2-61 SUBCHAPTER B. BOARD OF DIRECTORS

2-62 Sec. 3959.0051. GOVERNING BODY; TERMS. (a) The district  
2-63 is governed by a board of five elected directors who serve staggered  
2-64 terms of four years.

2-65 (b) Directors are elected in the manner provided by  
2-66 Subchapter D, Chapter 49, Water Code.

2-67 Sec. 3959.0052. COMPENSATION; EXPENSES. (a) The district  
2-68 may compensate each director in an amount not to exceed \$150 for  
2-69 each board meeting. The total amount of compensation for each

3-1 director in one year may not exceed \$7,200.  
3-2 (b) A director is entitled to reimbursement for necessary  
3-3 and reasonable expenses incurred in carrying out the duties and  
3-4 responsibilities of the board.

3-5 Sec. 3959.0053. INITIAL DIRECTORS. (a) The initial board  
3-6 consists of the following directors:

3-7 <u>Pos. No.</u>	<u>Name of Director</u>
3-8 <u>1</u>	<u>David Muckleroy</u>
3-9 <u>2</u>	<u>Kenner Link</u>
3-10 <u>3</u>	<u>Peter Madrala</u>
3-11 <u>4</u>	<u>Ian Hall</u>
3-12 <u>5</u>	<u>Brock Babb</u>

3-13 (b) Of the initial directors, the terms of directors  
3-14 appointed for positions one through three expire June 1, 2023, and  
3-15 the terms of directors appointed for positions four and five expire  
3-16 June 1, 2025.

3-17 SUBCHAPTER C. POWERS AND DUTIES

3-18 Sec. 3959.0101. GENERAL POWERS AND DUTIES. The district  
3-19 has the powers and duties necessary to accomplish the purposes for  
3-20 which the district is created.

3-21 Sec. 3959.0102. IMPROVEMENT PROJECTS AND SERVICES.

3-22 (a) The district, using any money available to the district for  
3-23 the purpose, may provide, design, construct, acquire, improve,  
3-24 relocate, operate, maintain, or finance an improvement project or  
3-25 service authorized under this chapter or Chapter 375, Local  
3-26 Government Code.

3-27 (b) The district may contract with a governmental or private  
3-28 entity to carry out an action under Subsection (a).

3-29 (c) The implementation of a district project or service is a  
3-30 governmental function or service for the purposes of Chapter 791,  
3-31 Government Code.

3-32 Sec. 3959.0103. NONPROFIT CORPORATION. (a) The board by  
3-33 resolution may authorize the creation of a nonprofit corporation to  
3-34 assist and act for the district in implementing a project or  
3-35 providing a service authorized by this chapter.

3-36 (b) The nonprofit corporation:

3-37 (1) has each power of and is considered to be a local  
3-38 government corporation created under Subchapter D, Chapter 431,  
3-39 Transportation Code; and

3-40 (2) may implement any project and provide any service  
3-41 authorized by this chapter.

3-42 (c) The board shall appoint the board of directors of the  
3-43 nonprofit corporation. The board of directors of the nonprofit  
3-44 corporation shall serve in the same manner as the board of directors  
3-45 of a local government corporation created under Subchapter D,  
3-46 Chapter 431, Transportation Code, except that a board member is not  
3-47 required to reside in the district.

3-48 Sec. 3959.0104. LAW ENFORCEMENT SERVICES. To protect the  
3-49 public interest, the district may contract with the city to provide  
3-50 additional law enforcement services in the district for a fee.

3-51 Sec. 3959.0105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.  
3-52 The district may join and pay dues to a charitable or nonprofit  
3-53 organization that performs a service or provides an activity  
3-54 consistent with the furtherance of a district purpose.

3-55 Sec. 3959.0106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The  
3-56 district may engage in activities that accomplish the economic  
3-57 development purposes of the district.

3-58 (b) The district may establish and provide for the  
3-59 administration of one or more programs to promote state or local  
3-60 economic development and to stimulate business and commercial  
3-61 activity in the district, including programs to:

3-62 (1) make loans and grants of public money; and

3-63 (2) provide district personnel and services.

3-64 (c) The district may create economic development programs  
3-65 and exercise the economic development powers provided to  
3-66 municipalities by:

3-67 (1) Chapter 380, Local Government Code; and

3-68 (2) Subchapter A, Chapter 1509, Government Code.

3-69 Sec. 3959.0107. PARKING FACILITIES. (a) The district may

4-1 acquire, lease as lessor or lessee, construct, develop, own,  
4-2 operate, and maintain parking facilities or a system of parking  
4-3 facilities, including lots, garages, parking terminals, or other  
4-4 structures or accommodations for parking motor vehicles off the  
4-5 streets and related appurtenances.

4-6 (b) The district's parking facilities serve the public  
4-7 purposes of the district and are owned, used, and held for a public  
4-8 purpose even if leased or operated by a private entity for a term of  
4-9 years.

4-10 The district's parking facilities are parts of and  
4-11 necessary components of a street and are considered to be a street  
4-12 or road improvement.

4-13 The development and operation of the district's parking  
4-14 facilities may be considered an economic development program.

4-15 Sec. 3959.0108. ADDING OR EXCLUDING LAND. The district may  
4-16 add or exclude land in the manner provided by Subchapter J, Chapter  
4-17 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

4-18 Sec. 3959.0109. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
4-19 board by resolution shall establish the number of directors'  
4-20 signatures and the procedure required for a disbursement or  
4-21 transfer of district money.

4-22 Sec. 3959.0110. DIVISION OF DISTRICT. (a) The district  
4-23 may be divided into two or more new districts only if the district:

- 4-24 (1) has no outstanding bonded debt; and
- 4-25 (2) is not imposing ad valorem taxes.

4-26 (b) This chapter applies to any new district created by the  
4-27 division of the district, and a new district has all the powers and  
4-28 duties of the district.

4-29 (c) Any new district created by the division of the district  
4-30 may not, at the time the new district is created, contain any land  
4-31 outside the area described by Section 2 of the Act enacting this  
4-32 chapter.

4-33 (d) The board, on its own motion or on receipt of a petition  
4-34 signed by the owner or owners of a majority of the assessed value of  
4-35 the real property in the district, may adopt an order dividing the  
4-36 district.

4-37 (e) An order dividing the district must:

- 4-38 (1) name each new district;
- 4-39 (2) include the metes and bounds description of the  
4-40 territory of each new district;
- 4-41 (3) appoint initial directors for each new district;  
4-42 and

4-43 (4) provide for the division of assets and liabilities  
4-44 between or among the new districts.

4-45 (f) On or before the 30th day after the date of adoption of  
4-46 an order dividing the district, the district shall file the order  
4-47 with the Texas Commission on Environmental Quality and record the  
4-48 order in the real property records of each county in which the  
4-49 district is located.

4-50 (g) Any new district created by the division of the district  
4-51 must hold an election as required by this chapter to obtain voter  
4-52 approval before the district may impose a maintenance tax or issue  
4-53 bonds payable wholly or partly from ad valorem taxes.

4-54 (h) Municipal consent to the creation of the district and to  
4-55 the inclusion of land in the district granted under Section  
4-56 3959.0206 acts as municipal consent to the creation of any new  
4-57 district created by the division of the district and to the  
4-58 inclusion of land in the new district.

4-59 SUBCHAPTER D. ASSESSMENTS

4-60 Sec. 3959.0151. PETITION REQUIRED FOR FINANCING SERVICES  
4-61 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
4-62 service or improvement project with assessments under this chapter  
4-63 unless a written petition requesting that service or improvement  
4-64 has been filed with the board.

4-65 (b) A petition filed under Subsection (a) must be signed by  
4-66 the owners of a majority of the assessed value of real property in  
4-67 the district subject to assessment according to the most recent  
4-68 certified tax appraisal roll for the county.

4-69 Sec. 3959.0152. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

5-1 The board by resolution may impose and collect an assessment for any  
 5-2 purpose authorized by this chapter in all or any part of the  
 5-3 district.

5-4 (b) An assessment, a reassessment, or an assessment  
 5-5 resulting from an addition to or correction of the assessment roll  
 5-6 by the district, penalties and interest on an assessment or  
 5-7 reassessment, an expense of collection, and reasonable attorney's  
 5-8 fees incurred by the district:

5-9 (1) are a first and prior lien against the property  
 5-10 assessed;

5-11 (2) are superior to any other lien or claim other than  
 5-12 a lien or claim for county, school district, or municipal ad valorem  
 5-13 taxes; and

5-14 (3) are the personal liability of and a charge against  
 5-15 the owners of the property even if the owners are not named in the  
 5-16 assessment proceedings.

5-17 (c) The lien is effective from the date of the board's  
 5-18 resolution imposing the assessment until the date the assessment is  
 5-19 paid. The board may enforce the lien in the same manner that the  
 5-20 board may enforce an ad valorem tax lien against real property.

5-21 (d) The board may make a correction to or deletion from the  
 5-22 assessment roll that does not increase the amount of assessment of  
 5-23 any parcel of land without providing notice and holding a hearing in  
 5-24 the manner required for additional assessments.

5-25 Sec. 3959.0153. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT.  
 5-26 Section 375.161, Local Government Code, does not apply to the  
 5-27 district.

#### 5-28 SUBCHAPTER E. TAXES AND BONDS

5-29 Sec. 3959.0201. TAX ELECTION REQUIRED. (a) The district  
 5-30 must hold an election in the manner provided by Chapter 49, Water  
 5-31 Code, or, if applicable, Chapter 375, Local Government Code, to  
 5-32 obtain voter approval before the district may impose an ad valorem  
 5-33 tax.

5-34 (b) Section 375.243, Local Government Code, does not apply  
 5-35 to the district.

5-36 Sec. 3959.0202. OPERATION AND MAINTENANCE TAX. (a) If  
 5-37 authorized by a majority of the district voters voting at an  
 5-38 election under Section 3959.0201, the district may impose an  
 5-39 operation and maintenance tax on taxable property in the district  
 5-40 in the manner provided by Section 49.107, Water Code, for any  
 5-41 district purpose, including to:

5-42 (1) maintain and operate the district;

5-43 (2) construct or acquire improvements; or

5-44 (3) provide a service.

5-45 (b) The board shall determine the operation and maintenance  
 5-46 tax rate. The rate may not exceed the rate approved at the  
 5-47 election.

5-48 Sec. 3959.0203. AUTHORITY TO BORROW MONEY AND TO ISSUE  
 5-49 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on  
 5-50 terms determined by the board.

5-51 (b) The district may issue, by public or private sale,  
 5-52 bonds, notes, or other obligations payable wholly or partly from ad  
 5-53 valorem taxes, assessments, impact fees, revenue, contract  
 5-54 payments, grants, or other district money, or any combination of  
 5-55 those sources of money, to pay for any authorized district purpose.

5-56 (c) The limitation on the outstanding principal amount of  
 5-57 bonds, notes, or other obligations provided by Section 49.4645,  
 5-58 Water Code, does not apply to the district.

5-59 Sec. 3959.0204. BONDS SECURED BY REVENUE OR CONTRACT  
 5-60 PAYMENTS. The district may issue, without an election, bonds  
 5-61 secured by:

5-62 (1) revenue other than ad valorem taxes;

5-63 (2) contract payments, provided that the requirements  
 5-64 of Section 49.108, Water Code, have been met; or

5-65 (3) other contract revenues.

5-66 Sec. 3959.0205. BONDS SECURED BY AD VALOREM TAXES;  
 5-67 ELECTIONS. (a) If authorized at an election under Section  
 5-68 3959.0201, the district may issue bonds payable from ad valorem  
 5-69 taxes.

6-1 (b) At the time the district issues bonds payable wholly or  
6-2 partly from ad valorem taxes, the board shall provide for the annual  
6-3 imposition of a continuing direct annual ad valorem tax, without  
6-4 limit as to rate or amount, for each year that all or part of the  
6-5 bonds are outstanding as required and in the manner provided by  
6-6 Sections 54.601 and 54.602, Water Code.

6-7 (c) All or any part of any facilities or improvements that  
6-8 may be acquired by a district by the issuance of its bonds may be  
6-9 submitted as a single proposition or as several propositions to be  
6-10 voted on at the election.

6-11 Sec. 3959.0206. CONSENT OF MUNICIPALITY REQUIRED. (a) The  
6-12 board may not issue bonds until each municipality in whose  
6-13 corporate limits or extraterritorial jurisdiction the district is  
6-14 located has consented by ordinance or resolution to the creation of  
6-15 the district and to the inclusion of land in the district.

6-16 (b) This section applies only to the district's first  
6-17 issuance of bonds payable from ad valorem taxes.

6-18 SUBCHAPTER Z. DISSOLUTION

6-19 Sec. 3959.0901. DISSOLUTION. (a) The board shall dissolve  
6-20 the district on written petition filed with the board by the owners  
6-21 of:

6-22 (1) 66 percent or more of the assessed value subject to  
6-23 assessment by the district of the property in the district based on  
6-24 the most recent certified county property tax rolls; or

6-25 (2) 66 percent or more of the surface area of the  
6-26 district, excluding roads, streets, highways, utility  
6-27 rights-of-way, other public areas, and other property exempt from  
6-28 assessment by the district according to the most recent certified  
6-29 county property tax rolls.

6-30 (b) The district may not be dissolved if the district:

6-31 (1) has any outstanding bonded or other indebtedness  
6-32 until that bonded or other indebtedness has been repaid or defeased  
6-33 in accordance with the order or resolution authorizing the issuance  
6-34 of the bonded or other indebtedness;

6-35 (2) has a contractual obligation to pay money until  
6-36 that obligation has been fully paid in accordance with the  
6-37 contract; or

6-38 (3) owns, operates, or maintains public works,  
6-39 facilities, or improvements unless the district has contracted with  
6-40 another party for the ownership and operation or maintenance of the  
6-41 public works, facilities, or improvements.

6-42 (c) Section 375.262, Local Government Code, does not apply  
6-43 to the district.

6-44 SECTION 2. The Sterrett Road Municipal Management District  
6-45 initially includes all territory contained in the following area:  
6-46 Being a parcel of land located in Ellis County, Texas, a part of the  
6-47 a part of the Clement Goar Survey, Abstract Number 401, a part of  
6-48 the Carter H. Hurst Survey, Abstract Number 456, and being all of  
6-49 that called 124.27 acre tract of land described in deed to Futex  
6-50 Property Company No. 112, LLC as recorded in Instrument Number  
6-51 1801007, Official Public Records of Ellis County, Texas, and being  
6-52 all of that called 101.19 acre tract of land described in deed to  
6-53 James R. Pitts, Trustee as recorded in Instrument Number 1723473,  
6-54 Official Public Records of Ellis County, Texas, and also being all  
6-55 of that called 360.00 acre tract of land described in deed to Fuscom  
6-56 Property Company No. 2, LLC as recorded in Instrument Number  
6-57 1800404, Official Public Records of Ellis County, Texas, and being  
6-58 further described as follows:

6-59 BEGINNING at a point at the southwest corner of said 124.27 acre  
6-60 tract, said point also being at the approximate centerline  
6-61 intersection of West Sterrett Road and Patrick Road;

6-62 THENCE North 00 degrees 02 minutes 30 seconds West, 4,252.90 feet to  
6-63 a point for corner, said point being the most westerly northwest  
6-64 corner of said 360.00 acre tract, said point also being in Patrick  
6-65 Road;

6-66 THENCE along the north line of said 360.00 acre tract as follows:

6-67 North 88 degrees 02 minutes 21 seconds East, 2,227.21 feet to  
6-68 a point for corner;

6-69 North 03 degrees 02 minutes 39 seconds West, 972.62 feet to a

7-1 point for corner;  
7-2 North 89 degrees 51 minutes 38 seconds East, 459.17 feet to a  
7-3 point for corner;  
7-4 North 02 degrees 01 minutes 41 seconds West, 296.17 feet to a  
7-5 point for corner;  
7-6 North 89 degrees 01 minutes 02 seconds East, 1,306.16 feet to  
7-7 a point for corner;  
7-8 North 88 degrees 37 minutes 03 seconds East, 453.09 feet to a  
7-9 point for corner;  
7-10 South 01 degrees 18 minutes 19 seconds East, 437.73 feet to a  
7-11 point for corner;  
7-12 North 89 degrees 09 minutes 41 seconds East, 850.07 feet to a  
7-13 point for corner, said point being the northeast corner of said  
7-14 360.00 acre tract;  
7-15 THENCE along the east line of said 360.00 acre tract as follows:  
7-16 South 00 degrees 57 minutes 39 seconds East, 1,694.38 feet to  
7-17 a point for corner;  
7-18 South 01 degrees 25 minutes 02 seconds East, 1,620.58 feet to  
7-19 a point for corner, said point being the southeast corner of said  
7-20 360.00 acre tract, said point also being the northeast corner of  
7-21 said 101.19 acre tract;  
7-22 THENCE South 00 degrees 37 minutes 32 seconds East, 1,625.00 feet to  
7-23 the southeast corner of said 101.19 acre tract, said point also  
7-24 being in West Sterrett Road;  
7-25 THENCE North 89 degrees 19 minutes 15 seconds West, 2,693.70 feet to  
7-26 a point for corner, said point being the southwest corner of said  
7-27 101.19 acre tract, said point also being in the east line of said  
7-28 124.27 acre tract, said point also being in West Sterrett Road;  
7-29 THENCE South 01 degrees 22 minutes 01 seconds East, 294.05 feet to a  
7-30 point for corner, said point being the southeast corner of said  
7-31 124.27 acre tract, said point also being in West Sterrett Road;  
7-32 THENCE South 89 degrees 54 minutes 12 seconds West, 2,638.73 feet  
7-33 along the south line of said 124.27 acre tract to the POINT OF  
7-34 BEGINNING and containing 25,506,220 square feet or 585.542 acres of  
7-35 land.  
7-36 Bearings are based on the west line of that called 124.27 acre tract  
7-37 of land described in deed to Futex Property Company No. 112, LLC as  
7-38 recorded in Instrument Number 1801007, Official Public Records of  
7-39 Ellis County, Texas.  
7-40 SECTION 3. (a) The legal notice of the intention to  
7-41 introduce this Act, setting forth the general substance of this  
7-42 Act, has been published as provided by law, and the notice and a  
7-43 copy of this Act have been furnished to all persons, agencies,  
7-44 officials, or entities to which they are required to be furnished  
7-45 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
7-46 Government Code.  
7-47 (b) The governor, one of the required recipients, has  
7-48 submitted the notice and Act to the Texas Commission on  
7-49 Environmental Quality.  
7-50 (c) The Texas Commission on Environmental Quality has filed  
7-51 its recommendations relating to this Act with the governor,  
7-52 lieutenant governor, and speaker of the house of representatives  
7-53 within the required time.  
7-54 (d) All requirements of the constitution and laws of this  
7-55 state and the rules and procedures of the legislature with respect  
7-56 to the notice, introduction, and passage of this Act have been  
7-57 fulfilled and accomplished.  
7-58 SECTION 4. (a) Section 3959.0110, Special District Local  
7-59 Laws Code, as added by Section 1 of this Act, takes effect only if  
7-60 this Act receives a two-thirds vote of all the members elected to  
7-61 each house.  
7-62 (b) If this Act does not receive a two-thirds vote of all the  
7-63 members elected to each house, Subchapter C, Chapter 3959, Special  
7-64 District Local Laws Code, as added by Section 1 of this Act, is  
7-65 amended by adding Section 3959.0110 to read as follows:  
7-66 Sec. 3959.0110. NO EMINENT DOMAIN POWER. The district may  
7-67 not exercise the power of eminent domain.  
7-68 (c) This section is not intended to be an expression of a  
7-69 legislative interpretation of the requirements of Section 17(c),

8-1 Article I, Texas Constitution.

8-2 SECTION 5. This Act takes effect immediately if it receives  
8-3 a vote of two-thirds of all the members elected to each house, as  
8-4 provided by Section 39, Article III, Texas Constitution. If this  
8-5 Act does not receive the vote necessary for immediate effect, this  
8-6 Act takes effect September 1, 2021.

8-7

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