

By: Springer

S.B. No. 2240

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the High Pointe Ranch Municipal Utility District No. 1 of Denton County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and 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 7919A to read as follows:

CHAPTER 7919A. HIGH POINTE RANCH MUNICIPAL UTILITY DISTRICT NO. 1  
OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7919A.0101. DEFINITIONS. In this chapter:

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

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

(3) "City" means the City of Aubrey, Texas;

(4) "Director" means a board member.

(5) "District" means the High Pointe Ranch Municipal Utility District No. 1 of Denton County.

Sec. 7919A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7919A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to

1 confirm the creation of the district as provided by Section 49.102,  
2 Water Code.

3 Sec. 7919A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
4 temporary directors may not hold an election under Section  
5 7919A.0103 until each municipality in whose corporate limits or  
6 extraterritorial jurisdiction the district is located has  
7 consented by ordinance or resolution to the creation of the  
8 district and to the inclusion of land in the district.

9 Sec. 7919A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

10 (a) The district is created to serve a public purpose and benefit.

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

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

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

18 Sec. 7919A.0106. INITIAL DISTRICT TERRITORY. (a) The  
19 district is initially composed of the territory described by  
20 Section 2 of the Act enacting this chapter.

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

25 (1) organization, existence, or validity;

26 (2) right to issue any type of bond for the purposes  
27 for which the district is created or to pay the principal of and

1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 7919A.0201. GOVERNING BODY; TERMS. (a) The district  
6 is governed by a board of five directors who serve staggered terms  
7 of four years, with two or three directors' terms expiring June 1 of  
8 each even-numbered year.

9 (b) The governing body of the city, by a majority vote,  
10 shall appoint one member of the board.

11 (c) The commission shall appoint four members of the board  
12 in the manner provided by Section 7919A.0202.

13 Sec. 7919A.0202. APPOINTMENT BY COMMISSION. (a) Before  
14 the term of a director appointed by the commission expires, the  
15 board shall recommend to the commission a person to serve as a  
16 successor director. The commission shall appoint as director the  
17 person recommended by the board.

18 (b) A person recommended by the board under Subsection (a)  
19 must be:

20 (1) at least 18 years of age;

21 (2) an owner of property in the district;

22 (3) an owner of stock, whether beneficial or  
23 otherwise, of a corporate owner of property in the district;

24 (4) an owner of a beneficial interest in a trust that  
25 owns property in the district; or

26 (5) an agent, employee, or tenant of a person  
27 described by Subdivision (2), (3), or (4).

1 Sec. 7919A.0203. VACANCY. (a) Except as provided by  
2 Subsection (b), if a vacancy occurs on the board, the remaining  
3 directors shall appoint a director for the remainder of the  
4 unexpired term.

5 (b) If a vacancy occurs in the position of the board member  
6 appointed by the city, the city shall appoint a director for the  
7 remainder of the unexpired term.

8 Sec. 7919A.0204. INITIAL DIRECTORS. (a) The initial  
9 directors that will be replaced by appointment by the commission  
10 are as follows:

- 11 (1) Clark Overlander;
- 12 (2) Justin Morse;
- 13 (3) Zach Stateson; and
- 14 (4) Michelle Dobson.

15 (b) The initial director that will be replaced by  
16 appointment by the governing body of the city is Mark Kaiser.

17 (c) The initial directors shall determine by lot which two  
18 positions expire June 1, 2022, and which three positions expire  
19 June 1, 2024.

20 (d) This section expires January 1, 2025.

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 7919A.0301. GENERAL POWERS AND DUTIES. The district  
23 has the powers and duties necessary to accomplish the purposes for  
24 which the district is created.

25 Sec. 7919A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
26 DUTIES. The district has the powers and duties provided by the  
27 general law of this state, including Chapters 49 and 54, Water Code,

1 applicable to municipal utility districts created under Section 59,  
2 Article XVI, Texas Constitution.

3 Sec. 7919A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
4 Section 52, Article III, Texas Constitution, the district may  
5 design, acquire, construct, finance, issue bonds for, improve,  
6 operate, maintain, and convey to this state, a county, or a  
7 municipality for operation and maintenance macadamized, graveled,  
8 or paved roads, or improvements, including storm drainage, in aid  
9 of those roads.

10 Sec. 7919A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
11 road project must meet all applicable construction standards,  
12 zoning and subdivision requirements, and regulations of each  
13 municipality in whose corporate limits or extraterritorial  
14 jurisdiction the road project is located.

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

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

23 Sec. 7919A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
24 ORDINANCE OR RESOLUTION. The district shall comply with all  
25 applicable requirements of any ordinance or resolution that is  
26 adopted under Section 54.016 or 54.0165, Water Code, and that  
27 consents to the creation of the district or to the inclusion of land

1 in the district.

2 Sec. 7919A.0306. EFFECT OF ANNEXATION. Notwithstanding any  
3 other law, if all or any part of the territory of the district is  
4 annexed by the city into the city's corporate limits, the district  
5 retains all of the district's outstanding debt and obligations and  
6 is not dissolved.

7 Sec. 7919A.0307. DIVISION OF DISTRICT. (a) The district  
8 may be divided into two or more new districts only if the district:

9 (1) has no outstanding bonded debt; and

10 (2) is not imposing ad valorem taxes.

11 (b) This chapter applies to any new district created by  
12 division of the district, and a new district has all the powers and  
13 duties of the district.

14 (c) A new district created by the division of the district  
15 may not, at the time the new district is created, contain any land  
16 outside the area described by Section 2 of the Act enacting this  
17 chapter.

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

22 (e) The board may adopt an order dividing the district  
23 before or after the date the board holds an election under Section  
24 7919A.0103 to confirm the district's creation.

25 (f) An order dividing the district shall:

26 (1) name each new district;

27 (2) include the metes and bounds description of the

1 territory of each new district;

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

3 and

4 (4) provide for the division of assets and liabilities  
5 between the new districts.

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

10 (h) A new district created by the division of the district  
11 shall hold a confirmation and directors' election as required by  
12 Section 7919A.0103. If the voters of a new district do not confirm  
13 the creation of the new district, the assets, obligations,  
14 territory, and governance of the new district revert to the  
15 original district.

16 (i) If the creation of the new district is confirmed, the  
17 new district shall provide the election date and results to the  
18 commission.

19 (j) A new district created by the division of the district  
20 must hold an election as required by this chapter to obtain voter  
21 approval before the district may impose a maintenance tax or issue  
22 bonds payable wholly or partly from ad valorem taxes.

23 (k) Municipal consent to the creation of the district and to  
24 the inclusion of land in the district granted under Section  
25 7919A.0104 acts as municipal consent to the creation of any new  
26 district created by the division of the district and to the  
27 inclusion of land in the new district.

1           SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2           Sec. 7919A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

3 The district may issue, without an election, bonds and other  
4 obligations secured by:

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

6           (2) contract payments described by Section  
7 7919A.0403.

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

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

16           Sec. 7919A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
17 authorized at an election held under Section 7919A.0401, the  
18 district may impose an operation and maintenance tax on taxable  
19 property in the district in accordance with Section 49.107, Water  
20 Code.

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

23           Sec. 7919A.0403. CONTRACT TAXES. (a) In accordance with  
24 Section 49.108, Water Code, the district may impose a tax other than  
25 an operation and maintenance tax and use the revenue derived from  
26 the tax to make payments under a contract after the provisions of  
27 the contract have been approved by a majority of the district voters



1 voting at an election held for that purpose.

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

5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

6 Sec. 7919A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
7 OBLIGATIONS. The district may issue bonds or other obligations  
8 payable wholly or partly from ad valorem taxes, impact fees,  
9 revenue, contract payments, grants, or other district money, or any  
10 combination of those sources, to pay for any authorized district  
11 purpose.

12 Sec. 7919A.0502. TAXES FOR BONDS. At the time the district  
13 issues bonds payable wholly or partly from ad valorem taxes, the  
14 board shall provide for the annual imposition of a continuing  
15 direct ad valorem tax, without limit as to rate or amount, while all  
16 or part of the bonds are outstanding as required and in the manner  
17 provided by Sections 54.601 and 54.602, Water Code.

18 Sec. 7919A.0503. BONDS FOR ROAD PROJECTS. At the time of  
19 issuance, the total principal amount of bonds or other obligations  
20 issued or incurred to finance road projects and payable from ad  
21 valorem taxes may not exceed one-fourth of the assessed value of the  
22 real property in the district.

23 SECTION 2. The High Pointe Ranch Municipal Utility District  
24 No. 1 of Denton County initially includes all the territory  
25 contained in the following area:

26 HIGH POINTE RANCH MUNICIPAL UTILITY DISTRICT NO. 1 - TRACT 1

27 OF a 357.445 acres tract of land out of the Francisco Trevino

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1 Survey, Abstract No. 1243, Denton County, Texas; being all of a  
2 certain 229.479 acres tract (Tract 1), a 32.8 acres tract (Tract 2)  
3 and a 29.885 acres tract (Tract 3), all described in Volume 4257,  
4 Page 1101, Document No. 99-0004597 of the Deed Records of Denton  
5 County, Texas; also being all of a certain 6.874 acres tract  
6 described in Volume 4574, Page 1528, Document No. 00-000036697 and  
7 all of a certain 57.6071 acres tract described in Volume 4483, Page  
8 133, Document No. 99-000123273, both in the Deed Records of Denton  
9 County, Texas; and being further described by metes and bounds as  
10 follows:

11 BEGINNING at a set "PK" nail in Blackjack Road (paved) and in the  
12 southeast right of way line of U.S. Highway No. 377 and in the  
13 recognized north line of said Francisco Trevino Survey and at the  
14 northwest corner of said 32.8 acres tract for the most northerly  
15 northwest and beginning corner of this tract. Whence the recognized  
16 southwest corner of the Thomas Chambers Survey, Abstract No. 223  
17 bears South 87°12'41" East 60.40 feet.

18 THENCE South 87°12'41" East at 60.40 feet pass a "PK" nail at the  
19 southwest corner of a certain 6.164 acres tract (Tract 5) described  
20 in said Volume 4257, Page 1101 and in all 1160.06 feet along said  
21 Blackjack Road to a found "PK" nail at the southeast corner of said  
22 6.164 acres tract for a corner of this tract.

23 THENCE South 88°09'42" East 505.03 feet to a set "PK" nail in said  
24 Blackjack Road for a corner of this tract.

25 THENCE South 89°21'04" East 1356.90 feet to a set "PK" nail in said  
26 Blackjack Road for the northeast corner of this tract.

27 THENCE South 01°40'27" West at 20.69 feet pass a 4" steel post in the

1 south line of said Blackjack Road and in all 2322.77 feet to a set  
2 capped 1/2" iron rod for the most easterly southeast corner of this  
3 tract.

4 THENCE South 89°35'01" West at 250.28 feet pass a found capped 1/2"  
5 iron rod at the northeast corner of a certain 27.104 acres tract  
6 described in Document No. 96-000070599 and in all 1539.46 feet to a  
7 found 1/2" iron pipe at the northwest corner of a certain 27.600  
8 acres tract described in Document No. 96-000070600 for an ell  
9 corner of this tract.

10 THENCE South 00°10'39" East 956.88 feet to a set capped 1/2" iron rod  
11 in the west line of said 27.600 acres tract for a corner of this  
12 tract.

13 THENCE South 00°56'07" West 1132.15 feet to a set capped 1/2" iron  
14 rod in the north right of way line of F.M. Highway No. 428 and at the  
15 southwest corner of said 27.600 acres tract for the most southerly  
16 southeast corner of this tract.

17 THENCE along the north right of way line of said F.M. Highway  
18 No. 428 the following courses and distances:

19         • South 71°34'50" West 144.40 feet to a set capped 1/2" iron  
20 rod;

21         • Westerly along the arc of a 07 deg. 21 min. 35 sec.  
22 non-tangent curve to the right having a radius of 778.51 feet, a  
23 central angle of 18 deg. 46 min. 14 sec., a chord of South 82°46'29"  
24 West 253.91 feet and an arc length of 255.05 feet to a set capped  
25 1/2" iron rod;

26         • South 88°45'46" West 378.48 feet to a set capped 1/2" iron  
27 rod;

1           ● South 89°36'06" West 1349.02 feet to a set capped 1/2" iron  
2 rod;  
3           ● And South 89°52'21" West 1364.91 feet to a set capped 1/2"  
4 iron rod in the southeast right of way line of said U.S. Highway  
5 No. 377 for the most southerly southwest corner of this tract;  
6 THENCE North 32°23'53" West 213.57 feet along the southeast right of  
7 way line of said U.S. Highway 377 to a wood right of way marker for  
8 the most westerly southwest corner of this tract.  
9 THENCE North 25°19'53" East 4804.08 feet along the southeast right  
10 of way line of said U.S. Highway No. 377 to a set capped 1/2" iron  
11 rod for the most westerly northwest corner of this tract.  
12 THENCE North 59°03'36" East at 101.21 feet pass a set 1/2" iron rod  
13 and in all 166.34 feet to the POINT OF BEGINNING and containing  
14 357.445 acres of land, more or less.

15 HIGH POINTE RANCH MUNICIPAL UTILITY DISTRICT NO. 1 - TRACT 2  
16 BEING a tract of land situated in the F. Trevino Survey, Abstract  
17 No. 1243, Denton County, Texas, and being all of a called 61.667  
18 acre tract of land described in a General Warranty Deed to Betsy  
19 Turner, as recorded in Instrument No. 97-0010270 of the Official  
20 Records of Denton County, Texas, and being more particularly  
21 described as follows:

22 BEGINNING at a mag nail set for the northeast corner of said 61.667  
23 acre tract, common to the northwest corner of a called 41.640 acre  
24 tract of land described in a deed to Michael Ray Self and spouse,  
25 Hannah Carter Self, as recorded in Instrument No. 2020-72317 of the  
26 Official Records of Denton County, Texas, being on the southerly  
27 line of Tract I described in a deed to LTR Dressage, LLC, as

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1 recorded in Instrument No. 2012-60776 of the Official Records of  
2 Denton County, Texas, and in the centerline of Black Jack Road, a  
3 variable width right-of-way, no record found;

4 THENCE South 0°37'22" West, departing the southerly line of said  
5 Tract I and the centerline of said Black Jack Road, along the  
6 easterly line of said 61.667 acre tract and the westerly line of  
7 said 41.640 acre tract, a distance of 2297.48 feet to a 5/8 inch  
8 iron rod with plastic cap stamped "KHA" set for the southeast corner  
9 of said 61.667 acre tract, common to the southwest corner of said  
10 41.640 acre tract, being on the northerly line of a called 94.58  
11 acre tract of land described in a deed to Robert J. Houlihan,  
12 Trustee of the Jacqueline A. Houlihan Family Trust, as recorded in  
13 Instrument No. 2015-75670 of the Official Records of Denton County,  
14 Texas;

15 THENCE South 89°33'30" West, along the southerly line of said 61.667  
16 acre tract, the northerly line of said 94.58 acre tract and the  
17 northerly line of a called 5.000 acre tract of land described in a  
18 deed to Robert J. Houlihan, as recorded in Instrument  
19 No. 2015-75669 of the Official Records of Denton County, Texas, a  
20 distance of 1184.22 feet to a 5/8 inch iron rod with plastic cap  
21 stamped "KHA" set for the southwest corner of said 61.667 acre  
22 tract, being on the easterly line of a called 166.34 acre tract of  
23 land described in a deed to ALW 377, LLC, as recorded in Instrument  
24 No. 2018-78707 of the Official Records of Denton County, Texas;

25 THENCE North 1°40'23" East, departing the northerly line of said  
26 94.58 acre tract, along the westerly line of said 61.667 acre tract  
27 and the easterly line of said 166.34 acre tract, a distance of

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1 2319.56 feet to a 1 inch iron pipe found for the northwest corner of  
2 said 61.667 acre tract, common to the northeast corner of said  
3 166.34 acre tract, being on the southerly line of a called 37.115  
4 acre tract of land described in a deed to Calvin Paul Redfearn, as  
5 recorded in Instrument No. 2014-96676 of the Official Records of  
6 Denton County, Texas, and in the middle of Black Jack Road;  
7 THENCE South 89°23'35" East, along the northerly line of said 61.667  
8 acre tract, the southerly line of said 37.115 acre tract, the  
9 southerly line of a called 20.236 acre tract of land described in a  
10 deed to Gary Conway and Debbie Conway, as recorded in Instrument  
11 No. 2019-158825 of the Official Records of Denton County, Texas,  
12 and the southerly line of said Tract I, a distance of 1141.49 feet  
13 to the POINT OF BEGINNING and containing 61.611 acres (2,683,778  
14 square feet) of land, more or less.

15 HIGH POINTE RANCH MUNICIPAL UTILITY DISTRICT NO. 1 - TRACT 3  
16 BEING a tract of land situated in the F. Trevino Survey, Abstract  
17 No. 1243, Denton County, Texas, and being all of a called 41.640  
18 acre tract of land described in a Warranty Deed with Vendor's Lien  
19 to Michael Ray Self and spouse, Hannah Carter Self, as recorded in  
20 Instrument No. 2020-72317 of the Official Records of Denton County,  
21 Texas, and being more particularly described as follows:

22 BEGINNING at a mag nail set for the northwest corner of said 41.640  
23 acre tract, common to the northeast corner of a called 61.667 acre  
24 tract of land described in a deed to Betsy Turner, as recorded in  
25 Instrument No. 97-0010270 of the Official Records of Denton County,  
26 Texas, being on the southerly line of Tract I described in a deed to  
27 LTR Dressage, LLC, as recorded in Instrument No. 2012-60776 of the

1 Official Records of Denton County, Texas, and in the centerline of  
2 Black Jack Road, a variable width right-of-way, no record found;  
3 THENCE South 89°10'02" East, along a northerly line of said 41.640  
4 acre tract, the southerly line of said Tract I, the southerly line  
5 of a called 22.380 acre tract of land described as Tract II in said  
6 deed recorded in Instrument No. 2012-60776 of the Official Records  
7 of Denton County, Texas, and the centerline of said Black Jack Road,  
8 a distance of 570.47 feet to a 1 inch iron pipe found for the  
9 northerly northeast corner of said 41.640 acre tract, common to the  
10 northwest corner of a called 14.975 acre tract of land described in  
11 a deed to K & T Swan Family Limited Partnership, L.P., as recorded  
12 in Instrument No. 2017-78524 of the Official Records of Denton  
13 County, Texas;

14 THENCE South 1°07'20" East, departing the southerly line of said  
15 Tract II and the centerline of said Black Jack Road, along an  
16 easterly line of said 41.640 acre tract and the westerly line of  
17 said 14.975 acre tract, a distance of 1528.04 feet to a 1/2 inch  
18 iron rod found for the southwest corner of said 14.975 acre tract,  
19 common to an ell corner of said 41.640 acre tract;

20 THENCE South 89°22'10" East, along a northerly line of said 41.640  
21 acre tract and the southerly line of said 14.975 acre tract, a  
22 distance of 570.06 feet to a 3/8 inch iron rod found for the  
23 southerly northeast corner of said 41.640 acre tract, common to the  
24 southeast corner of said 14.975 acre tract;

25 THENCE South 1°04'44" East, along an easterly line of said 41.640  
26 acre tract, a distance of 745.84 feet to a 1/2 inch iron pipe found  
27 for the southeast corner of said 41.640 acre tract, common to the

1 northeast corner of a called 16.597 acre tract of land described in  
2 a deed to Phillip J. Anton and wife, Karen M. Anton, as recorded in  
3 Instrument No. 95-65740 of the Official Records of Denton County,  
4 Texas;

5 THENCE South 89°33'30" West, along the southerly line of said 41.640  
6 acre tract, the northerly line of said 16.597 acre tract, the  
7 northerly line of a called 6.703 acre tract of land described in a  
8 deed to Phillip John Anton and wife, Karen Marie Anton, as recorded  
9 in Instrument No. 2005-92268 of the Official Records of Denton  
10 County, Texas, and the northerly line of a called 94.58 acre tract  
11 of land described in a deed to Robert J. Houlihan, Trustee of the  
12 Jacqueline A. Houlihan Family Trust, as recorded in Instrument  
13 No. 2015-75670 of the Official Records of Denton County, Texas, a  
14 distance of 1209.41 feet to a 5/8 inch iron rod with plastic cap  
15 stamped "KHA" set for the southwest corner of said 41.640 acre  
16 tract, common to the southeast corner of aforesaid 61.667 acre  
17 tract;

18 THENCE North 0°37'22" East, departing the northerly line of said  
19 94.58 acre tract, along the westerly line of said 41.640 acre tract  
20 and the easterly line of said 61.667 acre tract, a distance of  
21 2297.48 feet to the POINT OF BEGINNING and containing 41.650 acres  
22 (1,814,290 square feet) of land, more or less.

23 SECTION 3. (a) The legal notice of the intention to  
24 introduce this Act, setting forth the general substance of this  
25 Act, has been published as provided by law, and the notice and a  
26 copy of this Act have been furnished to all persons, agencies,  
27 officials, or entities to which they are required to be furnished



1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2 Government Code.

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

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

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

14 SECTION 4. (a) If this Act does not receive a two-thirds  
15 vote of all the members elected to each house, Subchapter C, Chapter  
16 7919A, Special District Local Laws Code, as added by Section 1 of  
17 this Act, is amended by adding Section 7919A.0308 to read as  
18 follows:

19 Sec. 7919A.0308. NO EMINENT DOMAIN POWER. The district may  
20 not exercise the power of eminent domain.

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

24 SECTION 5. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2021.