

By: Metcalf

H.B. No. 5339

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 223; 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 7955A to read as follows:

CHAPTER 7955A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO.

223

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7955A.0101. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Montgomery County Municipal Utility District No. 223.

Sec. 7955A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7955A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7955A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 7955A.0103 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district as required by
8 applicable law.

9 Sec. 7955A.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. 7955A.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. 7955A.0201. GOVERNING BODY; TERMS. (a) The district
6 is governed by a board of five elected directors.

7 (b) Except as provided by Section 7955A.0202, directors
8 serve staggered four-year terms.

9 Sec. 7955A.0202. TEMPORARY DIRECTORS. (a) On or after the
10 effective date of the Act enacting this chapter, the owner or owners
11 of a majority of the assessed value of the real property in the
12 district may submit a petition to the commission requesting that
13 the commission appoint as temporary directors the five persons
14 named in the petition. The commission shall appoint as temporary
15 directors the five persons named in the petition.

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

17 (1) the date permanent directors are elected under
18 Section 7955A.0103; or

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

21 (c) If permanent directors have not been elected under
22 Section 7955A.0103 and the terms of the temporary directors have
23 expired, successor temporary directors shall be appointed or
24 reappointed as provided by Subsection (d) to serve terms that
25 expire on the earlier of:

26 (1) the date permanent directors are elected under
27 Section 7955A.0103; or

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

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

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 7955A.0301. GENERAL POWERS AND DUTIES. The district
12 has the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 7955A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the powers and duties provided by the
16 general law of this state, including Chapters 49 and 54, Water Code,
17 applicable to municipal utility districts created under Section 59,
18 Article XVI, Texas Constitution.

19 Sec. 7955A.0303. AUTHORITY FOR ROAD PROJECTS. Under
20 Section 52, Article III, Texas Constitution, the district may
21 design, acquire, construct, finance, issue bonds for, improve,
22 operate, maintain, and convey to this state, a county, or a
23 municipality for operation and maintenance macadamized, graveled,
24 or paved roads, or improvements, including storm drainage, in aid
25 of those roads.

26 Sec. 7955A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
27 road project must meet all applicable construction standards,

1 zoning and subdivision requirements, and regulations of each
2 municipality in whose corporate limits or extraterritorial
3 jurisdiction the road project is located.

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

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

12 Sec. 7955A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
13 ORDINANCE OR RESOLUTION. The district shall comply with all
14 applicable requirements of any ordinance or resolution that is
15 adopted under Section 54.016 or 54.0165, Water Code, and that
16 consents to the creation of the district or to the inclusion of land
17 in the district.

18 Sec. 7955A.0306. DIVISION OF DISTRICT. (a) The board, on
19 its own motion or on receipt of a petition signed by the owner or
20 owners of a majority of the assessed value of the real property in
21 the district, may adopt an order dividing the district.

22 (b) An order dividing a district may create one or more new
23 districts and may provide for the continuation of the district.

24 (c) An order dividing the district must:

25 (1) name any new district;

26 (2) include the metes and bounds description of the
27 territory of each of the districts;

1 (3) appoint temporary directors for any new district;

2 and

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

5 (d) The board may adopt an order dividing the district
6 before or after the date the board holds an election to confirm the
7 district's creation.

8 (e) The district may be divided only if the district:

9 (1) has never issued any bonds; and

10 (2) is not imposing ad valorem taxes.

11 (f) A new district created by the division of the district
12 may not, at the time the new district is created, contain any land
13 outside the area described by Section 2 of the Act enacting this
14 chapter.

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

19 (h) This chapter applies to any new district created by the
20 division of the district, and a new district has all the powers and
21 duties of the district.

22 (i) A new district created by the division of the district
23 shall hold a confirmation and directors' election.

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

27 (k) A new district created by the division of the district

1 must hold an election as required by this chapter to obtain voter
2 approval before the district may impose a maintenance tax or issue
3 bonds payable wholly or partly from ad valorem taxes.

4 (l) The district may continue to rely on confirmation,
5 directors', bond, or tax elections held prior to the division of the
6 district.

7 (m) Municipal consent to the creation of the district and to
8 the inclusion of land in the district acts as municipal consent to
9 the creation of any new district created by the division of the
10 district and to the inclusion of land in the new district.

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 7955A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
13 The district may issue, without an election, bonds and other
14 obligations secured by:

- 15 (1) revenue other than ad valorem taxes; or
16 (2) contract payments described by Section
17 7955A.0403.

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

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

26 Sec. 7955A.0402. OPERATION AND MAINTENANCE TAX. (a) If
27 authorized at an election held under Section 7955A.0401, the

1 district may impose an operation and maintenance tax on taxable
2 property in the district in accordance with Section 49.107, Water
3 Code.

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

6 Sec. 7955A.0403. CONTRACT TAXES. (a) In accordance with
7 Section 49.108, Water Code, the district may impose a tax other than
8 an operation and maintenance tax and use the revenue derived from
9 the tax to make payments under a contract after the provisions of
10 the contract have been approved by a majority of the district voters
11 voting at an election held for that purpose.

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

15 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

16 Sec. 7955A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
17 OBLIGATIONS. The district may issue bonds or other obligations
18 payable wholly or partly from ad valorem taxes, impact fees,
19 revenue, contract payments, grants, or other district money, or any
20 combination of those sources, to pay for any authorized district
21 purpose.

22 Sec. 7955A.0502. TAXES FOR BONDS. At the time the district
23 issues bonds payable wholly or partly from ad valorem taxes, the
24 board shall provide for the annual imposition of a continuing
25 direct ad valorem tax, without limit as to rate or amount, while all
26 or part of the bonds are outstanding as required and in the manner
27 provided by Sections 54.601 and 54.602, Water Code.

1 Sec. 7955A.0503. BONDS FOR ROAD PROJECTS. At the time of
2 issuance, the total principal amount of bonds or other obligations
3 issued or incurred to finance road projects and payable from ad
4 valorem taxes may not exceed one-fourth of the assessed value of the
5 real property in the district.

6 SECTION 2. Montgomery County Municipal Utility District
7 No. 223 initially includes all the territory contained in the
8 following area:

9 An 819.0 acre tract of land situated in the W.M. Rankin
10 Survey, Abstract No. 30, and the N. Griffin Survey, Abstract
11 No. 16, Montgomery County, Texas; said 819.0 acre tract of land
12 being out of and a part of a called 537.81 acre tract of land and a
13 called 680.88 acre tract of land as conveyed to Thomas McGrady and
14 recorded under Volume 695, Page 156 of the Deed Records of
15 Montgomery County, Texas (M.C.D.R.); said 819.0 acre tract of land
16 being more particularly described by metes and bounds as follows:

17 NOTE: The basis of bearings is referenced to the Texas State
18 Plane Coordinate System of 1983, South Central Zone (#4204), as
19 defined by article [21.071](#) of the Natural Resources Code of the State
20 of Texas, 1983 Datum (2001 adjustment). All distances are actual
21 distances.

22 BEGINNING at a the Easternmost corner of said McGrady tract
23 of land, the Northeast corner of a called 40.26 acre tract of land
24 as conveyed to Sarah Martin and recorded under County Clerk's File
25 Number (M.C.C.F. No.) 8736234 of the Official Public Records of
26 Real Property (O.P.R.O.R.P.) and being in the Western right-of-way
27 line of Spring Branch Road (60' right-of-way & 60' prescriptive

1 right-of-way) as recorded under Volume 372, Page 276 of the
2 M.C.D.R.

3 THENCE S 86°42'47" W, with an interior line of said McGrady
4 tract of land and the North line of said 41 acre tract of land, at a
5 distance of 1,231.86 feet passing the Northwest corner of said 41
6 acre tract of land and the Northeast corner of a called 12.36 acre
7 tract of land as conveyed to Richard Hill and recorded under Volume
8 153, Page 465 of the M.C.D.R., and continuing for a total distance
9 of 1,505.85 feet, to a 1/2" iron pipe found for the Northwest corner
10 of said 12.36 acre tract of land and an interior corner of said
11 McGrady tract of land.

12 THENCE S 02°56'09" E, with an interior line of said McGrady
13 tract of land and the West line of said 12.36 acre tract of land, a
14 distance of 481.80 feet, to an interior point for said McGrady tract
15 of land and an interior point of said 12.36 acre tract of land.

16 THENCE S 87°11'51" W, with an interior line of said McGrady
17 tract of land and the said 12.36 acre tract of land, a distance of
18 446.00 feet, to a 1/2" iron pipe found for an interior corner of
19 said McGrady tract of land and the Northwest corner of said 12.36
20 acre tract of land.

21 THENCE S 02°56'09" E, with an interior line of said McGrady
22 tract of land and the West line of said 12.36 acre tract of land, a
23 distance of 569.70 feet, to a 1/2" iron pipe found for an interior
24 corner of said McGrady tract of land, the Southwest corner of said
25 12.36 acre tract of land and being in the North line of a called 50
26 acre tract of land as conveyed to KRP Properties 1, LLC and recorded
27 under M.C.C.F. No. 2018042281 of the O.P.R.O.R.P.

1 THENCE S 86°34'00" W, with the interior line of said McGrady
2 tract of land and the North line of said 50 acre tract of land, a
3 distance of 1,216.16 feet, to a point for corner.

4 THENCE N 88°54'56" W, with the interior line of said McGrady
5 tract of land and the North line of said 50 acre tract of land, a
6 distance of 154.61 feet, to an interior point of said McGrady tract
7 of land, and the Northwest corner of said 50 acre tract of land.

8 THENCE S 16°01'18" E, with the interior line of said McGrady
9 tract of land and the Southwest line of said 50 acre tract of land, a
10 distance of 56.45 feet, to a point for corner.

11 THENCE S 57°34'14" E, with the interior line of said McGrady
12 tract of land and the Southwest line of said 50 acre tract of land, a
13 distance of 1,472.12 feet, to an interior point for this tract of
14 land, being in the Southwest line of said 50 acre tract of land, and
15 the Northwest corner of a called 100.00 acre tract of land as
16 conveyed to Firdaus P. Jhabvala and Josefina Ososrio Avalos and
17 recorded under M.C.C.F. No. 2014020922 of the O.P.R.O.R.P.

18 THENCE with the East line of said McGrady tract of land and
19 the West line of said 100.00 acre tract of land, the following
20 courses and distances:

21 1. S 00°19'11" E, a distance of 1,049.86 feet, to a point for
22 corner.

23 2. S 11°21'37" W, a distance of 991.73 feet, to a point for
24 corner.

25 3. S 56°16'33" W, a distance of 15.04 feet, to a point for
26 corner.

27 4. S 09°01'56" W, a distance of 512.88 feet, to a point for

1 the Southeast corner of said McGrady tract of land and the Southwest
2 corner of said 100.00 acre tract of land.

3 THENCE with the West line of said McGrady tract of land the
4 following courses and distances:

5 1. N 55°08'39" W, a distance of 257.97 feet, to a point for
6 corner.

7 2. N 74°32'21" W, a distance of 252.82 feet, to a point for
8 corner.

9 3. S 79°05'19" W, a distance of 106.56 feet, to a point for
10 corner.

11 4. S 31°16'38" W, a distance of 194.00 feet, to a point for
12 corner.

13 5. S 56°18'43" W, a distance of 159.56 feet, to a point for
14 corner.

15 6. N 72°01'22" W, a distance of 354.34 feet, to a point for
16 corner.

17 7. N 44°48'11" W, a distance of 313.53 feet, to a point for
18 corner.

19 8. N 61°48'15" W, a distance of 154.90 feet, to a point for
20 corner.

21 9. N 70°51'53" W, a distance of 87.12 feet, to a point for
22 corner.

23 10. N 88°06'33" W, a distance of 408.00 feet, to a point for
24 corner.

25 11. N 20°17'36" W, a distance of 153.35 feet, to a point for
26 corner.

27 12. N 24°19'33" W, a distance of 168.70 feet, to a point for

- 1 corner.
- 2 13. S 65°40'27" W, a distance of 262.10 feet, to a point for
3 corner.
- 4 14. N 58°30'33" W, a distance of 225.90 feet, to a point for
5 corner.
- 6 15. N 08°42'33" W, a distance of 85.10 feet, to a point for
7 corner.
- 8 16. N 36°31'27" E, a distance of 151.60 feet, to a point for
9 corner.
- 10 17. N 28°00'33" W, a distance of 98.60 feet, to a point for
11 corner.
- 12 18. N 77°23'33" W, a distance of 141.60 feet, to a point for
13 corner.
- 14 19. S 83°22'27" W, a distance of 363.00 feet, to a point for
15 corner.
- 16 20. N 60°51'33" W, a distance of 151.30 feet, to a point for
17 corner.
- 18 21. N 60°04'33" W, a distance of 145.90 feet, to a point for
19 corner.
- 20 22. N 15°41'27" E, a distance of 371.00 feet, to a point for
21 corner.
- 22 23. N 26°34'27" E, a distance of 175.90 feet, to a point for
23 corner.
- 24 24. S 55°49'27" W, a distance of 138.00 feet, to a point for
25 corner.
- 26 25. N 48°43'33" W, a distance of 157.00 feet, to a point for
27 corner.

- 1 26. N 26°31'33" W, a distance of 205.70 feet, to a point for
2 corner.
- 3 27. N 00°47'33" W, a distance of 146.00 feet, to a point for
4 corner.
- 5 28. N 16°58'27" E, a distance of 301.40 feet, to a point for
6 corner.
- 7 29. N 74°45'27" E, a distance of 154.60 feet, to a point for
8 corner.
- 9 30. S 46°34'33" E, a distance of 316.90 feet, to a point for
10 corner.
- 11 31. N 42°59'27" E, a distance of 70.70 feet, to a point for
12 corner.
- 13 32. N 18°37'33" W, a distance of 597.20 feet, to a point for
14 corner.
- 15 33. N 67°58'33" W, a distance of 229.90 feet, to a point for
16 corner.
- 17 34. N 53°33'33" W, a distance of 55.60 feet, to a point for
18 corner.
- 19 35. N 88°31'33" W, a distance of 211.70 feet, to a point for
20 corner.
- 21 36. N 25°10'33" W, a distance of 62.70 feet, to a point for
22 corner.
- 23 37. N 16°52'27" E, a distance of 122.60 feet, to a point for
24 corner.
- 25 38. N 43°14'27" E, a distance of 204.40 feet, to a point for
26 corner.
- 27 39. N 25°19'33" W, a distance of 132.70 feet, to a point for

- 1 corner.
- 2 40. S 74°24'27" W, a distance of 330.40 feet, to a point for
3 corner.
- 4 41. N 34°20'33" W, a distance of 339.70 feet, to a point for
5 corner.
- 6 42. N 08°45'33" W, a distance of 343.50 feet, to a point for
7 corner.
- 8 43. N 33°07'27" E, a distance of 274.30 feet, to a point for
9 corner.
- 10 44. N 19°28'33" W, a distance of 232.30 feet, to a point for
11 corner.
- 12 45. N 87°38'20" E, a distance of 1,203.17 feet, to a point for
13 corner.
- 14 46. N 28°58'47" E, a distance of 115.50 feet, to a point for
15 corner.
- 16 47. N 00°44'47" E, a distance of 300.00 feet, to a point for
17 corner.
- 18 48. N 10°23'13" W, a distance of 247.00 feet, to a point for
19 corner.
- 20 49. N 14°00'47" E, a distance of 160.00 feet, to a point for
21 corner.
- 22 50. N 15°57'47" E, a distance of 127.00 feet, to a point for
23 corner.
- 24 51. N 34°16'47" E, a distance of 185.40 feet, to a point for
25 corner.
- 26 52. N 15°14'47" E, a distance of 178.00 feet, to a point for
27 corner.

- 1 53. N 33°37'47" E, a distance of 214.00 feet, to a point for
2 corner.
- 3 54. N 55°22'47" E, a distance of 213.70 feet, to a point for
4 corner.
- 5 55. N 26°31'47" E, a distance of 152.00 feet, to a point for
6 corner.
- 7 56. N 07°12'13" W, a distance of 85.00 feet, to a point for
8 corner.
- 9 57. N 17°22'47" E, a distance of 285.40 feet, to a point for
10 corner.
- 11 58. N 31°32'47" E, a distance of 145.00 feet, to a point for
12 corner.
- 13 59. N 00°01'47" E, a distance of 452.80 feet, to a point for
14 corner.
- 15 60. N 41°38'13" W, a distance of 335.40 feet, to a point for
16 corner.
- 17 61. N 23°34'47" E, a distance of 240.20 feet, to a point for
18 corner.
- 19 62. S 86°57'13" E, a distance of 293.00 feet, to a point for
20 corner.
- 21 63. N 14°02'47" E, a distance of 60.80 feet, to a point for
22 corner.
- 23 64. N 04°16'13" W, a distance of 141.60 feet, to a point for
24 corner.
- 25 65. N 42°16'13" W, a distance of 276.90 feet, to a point for
26 corner.
- 27 66. N 53°00'13" W, a distance of 360.70 feet, to a point for

1 corner.

2 67. N 09°21'13" W, a distance of 151.20 feet, to a point for
3 corner.

4 68. S 62°05'13" E, a distance of 125.00 feet, to a point for
5 corner.

6 69. N 43°23'47" E, a distance of 420.00 feet, to a point for
7 corner.

8 70. N 18°02'13" W, a distance of 301.90 feet, to a point for
9 corner.

10 71. N 49°00'47" E, a distance of 501.30 feet, to a point for
11 corner.

12 72. N 29°48'47" E, a distance of 341.90 feet, to a point for
13 corner.

14 73. N 36°51'47" E, a distance of 106.72 feet, to a point for
15 the Northwest corner of said McGrady tract of land and the Southwest
16 corner of a called 50.000 acre tract of land as conveyed to Earnest
17 Paul Stroade and wife Katie Jo Stroade and Paula Sue Stroade and
18 recorded under M.C.C.F. No. 2013078842 of the O.P.R.O.R.P.

19 THENCE N 88°33'15" E, with the North line of said McGrady
20 tract of land and the South line of said 50.000 acre tract of land, a
21 distance of 3,380.63 feet, to a point for the Northeast corner of
22 said McGrady tract of land, the Southeast corner of said 50.000 acre
23 tract of land and being in the Western right-of-way line of said
24 Spring Branch Road.

25 THENCE S 03°39'13" E, with the East line of said McGrady tract
26 of land and the Western right-of-way line of said Spring Branch
27 Road, a distance of 4,892.19 feet, to the PLACE OF BEGINNING;

1 containing within said boundaries a calculated area of 819.0 of an
2 acre of land.

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

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

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

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

21 SECTION 4. (a) If this Act does not receive a two-thirds
22 vote of all the members elected to each house, Subchapter C, Chapter
23 7955A, Special District Local Laws Code, as added by Section 1 of
24 this Act, is amended by adding Section 7955A.0307 to read as
25 follows:

26 Sec. 7955A.0307. NO EMINENT DOMAIN POWER. The district may
27 not exercise the power of eminent domain.

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

4 SECTION 5. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2023.