

1-1 By: Smith (Senate Sponsor - Hughes) H.B. No. 5407
 1-2 (In the Senate - Received from the House May 15, 2023;
 1-3 May 15, 2023, read first time and referred to Committee on Local
 1-4 Government; May 19, 2023, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt	X			
1-10 Gutierrez	X			
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker	X			
1-14 Paxton	X			
1-15 West	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Blanton Creek Estates Municipal
 1-20 Utility District of Fannin County; granting a limited power of
 1-21 eminent domain; providing authority to issue bonds; providing
 1-22 authority to impose assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 8009A to read as follows:

1-26 CHAPTER 8009A. BLANTON CREEK ESTATES MUNICIPAL UTILITY DISTRICT OF
 1-27 FANNIN COUNTY

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 8009A.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Blanton Creek Estates
 1-35 Municipal Utility District of Fannin County.

1-36 Sec. 8009A.0102. NATURE OF DISTRICT. The district is a
 1-37 municipal utility district created under Section 59, Article XVI,
 1-38 Texas Constitution.

1-39 Sec. 8009A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-40 REQUIRED. The temporary directors shall hold an election to
 1-41 confirm the creation of the district and to elect five permanent
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 8009A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-44 temporary directors may not hold an election under Section
 1-45 8009A.0103 until each municipality in whose corporate limits or
 1-46 extraterritorial jurisdiction the district is located has
 1-47 consented by ordinance or resolution to the creation of the
 1-48 district and to the inclusion of land in the district.

1-49 Sec. 8009A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:

1-52 (1) a municipal utility district as provided by
 1-53 general law and Section 59, Article XVI, Texas Constitution; and

1-54 (2) Section 52, Article III, Texas Constitution, that
 1-55 relate to the construction, acquisition, improvement, operation,
 1-56 or maintenance of macadamized, graveled, or paved roads, or
 1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 8009A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-59 district is initially composed of the territory described by
 1-60 Section 2 of the Act enacting this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of

2-1 the Act enacting this chapter form a closure. A mistake made in the
 2-2 field notes or in copying the field notes in the legislative process
 2-3 does not affect the district's:

- 2-4 (1) organization, existence, or validity;
- 2-5 (2) right to issue any type of bond for the purposes
 2-6 for which the district is created or to pay the principal of and
 2-7 interest on a bond;
- 2-8 (3) right to impose a tax; or
- 2-9 (4) legality or operation.

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 8009A.0201. GOVERNING BODY; TERMS. (a) The district
 2-12 is governed by a board of five elected directors.

2-13 (b) Except as provided by Section 8009A.0202, directors
 2-14 serve staggered four-year terms.

2-15 Sec. 8009A.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-16 board consists of:

- 2-17 (1) Jonathan Nunn;
- 2-18 (2) Jon Anderson;
- 2-19 (3) Cody Hancock;
- 2-20 (4) Danny Green; and
- 2-21 (5) Chad Purser.

2-22 (b) Temporary directors serve until the earlier of:

- 2-23 (1) the date permanent directors are elected under
 2-24 Section 8009A.0103; or
- 2-25 (2) the fourth anniversary of the effective date of
 2-26 the Act enacting this chapter.

2-27 (c) If permanent directors have not been elected under
 2-28 Section 8009A.0103 and the terms of the temporary directors have
 2-29 expired, successor temporary directors shall be appointed or
 2-30 reappointed as provided by Subsection (d) to serve terms that
 2-31 expire on the earlier of:

- 2-32 (1) the date permanent directors are elected under
 2-33 Section 8009A.0103; or
- 2-34 (2) the fourth anniversary of the date of the
 2-35 appointment or reappointment.

2-36 (d) If Subsection (c) applies, the owner or owners of a
 2-37 majority of the assessed value of the real property in the district
 2-38 may submit a petition to the commission requesting that the
 2-39 commission appoint as successor temporary directors the five
 2-40 persons named in the petition. The commission shall appoint as
 2-41 successor temporary directors the five persons named in the
 2-42 petition.

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 8009A.0301. GENERAL POWERS AND DUTIES. The district
 2-45 has the powers and duties necessary to accomplish the purposes for
 2-46 which the district is created.

2-47 Sec. 8009A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-48 DUTIES. The district has the powers and duties provided by the
 2-49 general law of this state, including Chapters 49 and 54, Water Code,
 2-50 applicable to municipal utility districts created under Section 59,
 2-51 Article XVI, Texas Constitution.

2-52 Sec. 8009A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-53 Section 52, Article III, Texas Constitution, the district may
 2-54 design, acquire, construct, finance, issue bonds for, improve,
 2-55 operate, maintain, and convey to this state, a county, or a
 2-56 municipality for operation and maintenance macadamized, graveled,
 2-57 or paved roads, or improvements, including storm drainage, in aid
 2-58 of those roads.

2-59 Sec. 8009A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-60 road project must meet all applicable construction standards,
 2-61 zoning and subdivision requirements, and regulations of each
 2-62 municipality in whose corporate limits or extraterritorial
 2-63 jurisdiction the road project is located.

2-64 (b) If a road project is not located in the corporate limits
 2-65 or extraterritorial jurisdiction of a municipality, the road
 2-66 project must meet all applicable construction standards,
 2-67 subdivision requirements, and regulations of each county in which
 2-68 the road project is located.

2-69 (c) If the state will maintain and operate the road, the

3-1 Texas Transportation Commission must approve the plans and
3-2 specifications of the road project.

3-3 Sec. 8009A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-4 ORDINANCE OR RESOLUTION. The district shall comply with all
3-5 applicable requirements of any ordinance or resolution that is
3-6 adopted under Section 54.016 or 54.0165, Water Code, and that
3-7 consents to the creation of the district or to the inclusion of land
3-8 in the district.

3-9 Sec. 8009A.0306. DIVISION OF DISTRICT. (a) The district
3-10 may be divided into two or more new districts only if the district:

3-11 (1) has no outstanding bonded debt; and

3-12 (2) is not imposing ad valorem taxes.

3-13 (b) This chapter applies to any new district created by the
3-14 division of the district, and a new district has all the powers and
3-15 duties of the district.

3-16 (c) A new district created by the division of the district
3-17 may not, at the time the new district is created, contain any land
3-18 outside the area described by Section 2 of the Act enacting this
3-19 chapter.

3-20 (d) The board, on its own motion or on receipt of a petition
3-21 signed by the owner or owners of a majority of the assessed value of
3-22 the real property in the district, may adopt an order dividing the
3-23 district.

3-24 (e) The board may adopt an order dividing the district
3-25 before or after the date the board holds an election under Section
3-26 8009A.0103 to confirm the district's creation.

3-27 (f) An order dividing the district must:

3-28 (1) name each new district;

3-29 (2) include the metes and bounds description of the
3-30 territory of each new district;

3-31 (3) appoint temporary directors for each new district;

3-32 and

3-33 (4) provide for the division of assets and liabilities
3-34 between or among the new districts.

3-35 (g) On or before the 30th day after the date of adoption of
3-36 an order dividing the district, the district shall file the order
3-37 with the commission and record the order in the real property
3-38 records of each county in which the district is located.

3-39 (h) Any new district created by the division of the district
3-40 shall hold a confirmation and directors' election as required by
3-41 Section 8009A.0103. If the voters of a new district do not confirm
3-42 the creation of the new district, the assets, obligations,
3-43 territory, and governance of the new district revert to the
3-44 original district.

3-45 (i) Any new district created by the division of the district
3-46 must hold an election as required by this chapter to obtain voter
3-47 approval before the district may impose a maintenance tax or issue
3-48 bonds payable wholly or partly from ad valorem taxes.

3-49 (j) Municipal consent to the creation of the district and to
3-50 the inclusion of land in the district granted under Section
3-51 8009A.0104 acts as municipal consent to the creation of any new
3-52 district created by the division of the district and to the
3-53 inclusion of land in the new district.

3-54 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-55 Sec. 8009A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-56 The district may issue, without an election, bonds and other
3-57 obligations secured by:

3-58 (1) revenue other than ad valorem taxes; or

3-59 (2) contract payments described by Section
3-60 8009A.0403.

3-61 (b) The district must hold an election in the manner
3-62 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-63 before the district may impose an ad valorem tax or issue bonds
3-64 payable from ad valorem taxes.

3-65 (c) The district may not issue bonds payable from ad valorem
3-66 taxes to finance a road project unless the issuance is approved by a
3-67 vote of a two-thirds majority of the district voters voting at an
3-68 election held for that purpose.

3-69 Sec. 8009A.0402. OPERATION AND MAINTENANCE TAX. (a) If

4-1 authorized at an election held under Section 8009A.0401, the
4-2 district may impose an operation and maintenance tax on taxable
4-3 property in the district in accordance with Section 49.107, Water
4-4 Code.

4-5 (b) The board shall determine the tax rate. The rate may not
4-6 exceed the rate approved at the election.

4-7 Sec. 8009A.0403. CONTRACT TAXES. (a) In accordance with
4-8 Section 49.108, Water Code, the district may impose a tax other than
4-9 an operation and maintenance tax and use the revenue derived from
4-10 the tax to make payments under a contract after the provisions of
4-11 the contract have been approved by a majority of the district voters
4-12 voting at an election held for that purpose.

4-13 (b) A contract approved by the district voters may contain a
4-14 provision stating that the contract may be modified or amended by
4-15 the board without further voter approval.

4-16 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-17 Sec. 8009A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
4-18 OBLIGATIONS. The district may issue bonds or other obligations
4-19 payable wholly or partly from ad valorem taxes, impact fees,
4-20 revenue, contract payments, grants, or other district money, or any
4-21 combination of those sources, to pay for any authorized district
4-22 purpose.

4-23 Sec. 8009A.0502. TAXES FOR BONDS. At the time the district
4-24 issues bonds payable wholly or partly from ad valorem taxes, the
4-25 board shall provide for the annual imposition of a continuing
4-26 direct ad valorem tax, without limit as to rate or amount, while all
4-27 or part of the bonds are outstanding as required and in the manner
4-28 provided by Sections 54.601 and 54.602, Water Code.

4-29 Sec. 8009A.0503. BONDS FOR ROAD PROJECTS. At the time of
4-30 issuance, the total principal amount of bonds or other obligations
4-31 issued or incurred to finance road projects and payable from ad
4-32 valorem taxes may not exceed one-fourth of the assessed value of the
4-33 real property in the district.

4-34 SECTION 2. The Blanton Creek Estates Municipal Utility
4-35 District of Fannin County initially includes all the territory
4-36 contained in the following area:

4-37 Being: 101.697 acres of land, a part of the William C. Ingram Survey
4-38 Abstract Number 558, lying and being situated on the West side of
4-39 County Road 4515 and the North side of County Road 4516 in Fannin
4-40 County, Texas. The said 101.697 acre tract being all of a called
4-41 39.267 acre tract conveyed in a Warranty Deed with Vendor's Lien
4-42 from Ned Kempson and wife, Dorthaleen Kempson to Michael G. Placke
4-43 and wife, Kathryn L. Placke of record in Volume 1108, Page 143 in
4-44 the Official Public Records of Fannin County, Texas and being the
4-45 remainder of a called 89.056 acre tract conveyed in a Warranty Deed
4-46 with Vendor's Lien from James A. Reeves to Michael G. Placke and
4-47 wife, Kathryn L. Placke of record in Volume 1043, Page 1031 in the
4-48 Official Public Records of Fannin County, Texas. The said 101.697
4-49 acre tract being described more particularly by metes and bounds as
4-50 follows:

4-51 Beginning at a 1/2" found iron rod at the Southwest corner of the
4-52 referenced 39.267 acre parent tract, at the Northwest corner of Lot
4-53 11 of the Forest Glen Addition of record in Cabinet B, Slide 70 and
4-54 being in the East line of a called 31.026 acre tract conveyed to
4-55 Martin L. Pineda and Ana B. Urbina in Instrument Number 2021000468
4-56 for the Point of Beginning and the Southwest corner of this tract.

4-57 Thence: N 01°11'18" E a distance of 667.07 feet to a 1/2" found iron
4-58 rod for a corner of this tract, at a corner of the referenced 39.267
4-59 acre parent tract and being at a corner of the referenced Pineda
4-60 tract.

4-61 Thence: N 02°26'01" E passing a 1/2" found iron rod at a distance of
4-62 94.56 feet and continuing a total distance of 145.63 feet to a point
4-63 near the centerline of Blanton Creek for the Westernmost Northwest
4-64 corner of this tract, at the Northwest corner of the referenced
4-65 39.267 acre parent tract and being at the Northeast corner of the
4-66 referenced Pineda tract.

4-67 Thence: along 60 calls with the centerline of Blanton Creek (for
4-68 acreage purposes only) with the approximate courses and distances
4-69 as follows:

- | | | | | |
|------|---|---------------------------|-----|------------------------------|
| 5-1 | 1. | S 65°28'31" E 38.41 feet | 2. | N 66°56'15" E 32.60 feet |
| 5-2 | 3. | N 06°16'43" W 67.93 feet | 4. | N 21°59'41" E 54.39 feet |
| 5-3 | 5. | N 50°15'39" E 43.62 feet | 6. | N 85°29'04" E 50.02 feet |
| 5-4 | 7. | N 53°41'14" E 52.36 feet | 8. | N 01°11'31" W 51.84 feet |
| 5-5 | 9. | N 33°32'34" E 77.42 feet | 10. | S 82°46'56" E 43.91 feet |
| 5-6 | 11. | S 43°00'39" E 34.27 feet | 12. | N 76°11'35" E 45.65 feet |
| 5-7 | 13. | N 05°48'07" W 66.08 feet | 14. | N 08°00'19" E 32.36 feet |
| 5-8 | 15. | N 68°56'29" E 61.61 feet | 16. | N 43°08'28" E 36.43 feet |
| 5-9 | 17. | N 08°13'39" W 54.13 feet | 18. | N 13°21'52" E 29.92 feet |
| 5-10 | 19. | S 83°21'57" E 76.85 feet | 20. | N 09°55'55" E 157.75 feet |
| 5-11 | 21. | N 21°45'12" E 50.94 feet | 22. | S 78°19'18" E 60.68 feet |
| 5-12 | 23. | S 12°01'44" E 50.81 feet | 24. | S 33°01'59" E 37.29 feet |
| 5-13 | 25. | N 69°27'32" E 30.84 feet | 26. | N 53°31'46" E 68.20 feet |
| 5-14 | 27. | N 69°47'02" E 129.13 feet | 28. | N 25°47'33" E 109.60 feet |
| 5-15 | 29. | S 77°12'16" E 38.96 feet | 30. | N 49°55'58" E 30.42 feet |
| 5-16 | 31. | N 24°15'55" W 85.55 feet | 32. | N 08°35'00" E 38.80 feet |
| 5-17 | 33. | N 57°34'06" E 42.08 feet | 34. | S 73°30'35" E 94.34 feet |
| 5-18 | 35. | N 13°22'20" E 49.48 feet | 36. | N 65°32'59" E 53.70 feet |
| 5-19 | 37. | N 12°41'05" E 34.51 feet | 38. | N 03°01'56" W 65.45 feet |
| 5-20 | 39. | N 18°48'56" E 57.65 feet | 40. | N 34°35'40" E 64.36 feet |
| 5-21 | 41. | N 79°50'23" E 33.79 feet | 42. | S 44°33'02" E 56.49 feet |
| 5-22 | 43. | S 88°37'39" E 28.67 feet | 44. | N 45°24'16" E 49.64 feet |
| 5-23 | 45. | N 80°11'49" E 21.21 feet | 46. | S 60°56'21" E 36.44 feet |
| 5-24 | 47. | N 69°20'02" E 35.82 feet | 48. | N 21°27'14" E 48.89 feet |
| 5-25 | 49. | S 55°23'13" E 62.54 feet | 50. | S 02°27'49" E 53.31 feet |
| 5-26 | 51. | S 27°40'20" W 54.84 feet | 52. | S 11°46'24" E 23.29 feet |
| 5-27 | 53. | S 63°51'02" E 56.05 feet | 54. | N 68°31'08" E 33.59 feet |
| 5-28 | 55. | N 36°59'26" E 48.95 feet | 56. | N 54°46'37" E 86.42 feet |
| 5-29 | 57. | N 40°29'43" E 119.41 feet | 58. | N 04°15'19" W 19.48 feet |
| 5-30 | 59. | N 15°40'17" W 71.81 feet | 60. | N 62°21'03" E 185.19 feet to |
| 5-31 | an "X" cut in the middle of a concrete bridge for the Northernmost | | | |
| 5-32 | Northeast corner of this tract, near the centerline of County Road | | | |
| 5-33 | 4515, at the Northernmost Northeast corner of the referenced 89.056 | | | |
| 5-34 | acre parent tract remainder and being at the Northwest corner of a | | | |
| 5-35 | called 18.200 acre Tract 8 conveyed to Diane Vestal Williams in | | | |
| 5-36 | Volume 1645, Page 384. | | | |
| 5-37 | Thence: along 4 calls near the centerline of County Road 4515 with | | | |
| 5-38 | the approximate courses and distances as follows: | | | |

6-1 1. S 45°36'41" E 327.78 feet 2. S 42°19'35" E 220.60 feet

6-2 3. S 40°13'44" E 601.16 feet 4. S 12°12'22" E 116.04 feet to
6-3 a 1/2" set iron rod for an inside Northeast corner of this tract, at
6-4 an inside Northeast corner of the referenced 89.056 acre parent
6-5 tract remainder and being at the Northernmost Southwest corner of a
6-6 called 21.033 acre tract conveyed to Xiong Vang and wife, Maylee M.
6-7 Vang in Volume 1884, Page 434, from which a point near the
6-8 centerline of a creek at the Northeast corner of the referenced Vang
6-9 tract bears N 04°01'09" E a distance of 96.79 feet, continuing N
6-10 41°48'33" W a distance of 87.22 feet and N 56°38'33" E passing a 1/2"
6-11 found iron rod at a distance of 17.18 feet, continuing and passing a
6-12 found concrete monument at a distance of 1385.37 feet and
6-13 continuing a total distance of 1396.01 feet.
6-14 Thence: S 89°30'10" E a distance of 13.99 feet to a 1/2" set iron rod
6-15 on the East side of County Road 4515 for a Northeast corner of this
6-16 tract, at a Northeast corner of the referenced 89.056 acre parent
6-17 tract remainder and being at an inside Southwest corner of the
6-18 referenced Vang tract.
6-19 Thence: S 02°33'50" W a distance of 1267.85 feet to a 1/2" set iron
6-20 rod for an inside Northeast corner of this tract, at an inside
6-21 Northeast corner of the referenced 89.056 acre parent tract
6-22 remainder and being at the Southwest corner of a called 18.200 acre
6-23 tract conveyed to Gullian Louis in Volume 1021, Page 543.
6-24 Thence: S 89°28'04" E along the North side of County Road 4515 a
6-25 distance of 916.52 feet to a 1/2" set iron rod for the Easternmost
6-26 Northeast corner of this tract, at the Easternmost Northeast corner
6-27 of the referenced 89.056 acre parent tract remainder, at the
6-28 Southeast corner of the referenced Louis tract and being in the West
6-29 line of a called 18.08 acre tract conveyed to Joseph Charles Fetters
6-30 Jr and Marnie F Fetter in Volume 1330, Page 312, from which a 1/2"
6-31 found iron rod maintaining a witness monument at the Northwest
6-32 corner of the referenced Fetters tract bears N 00°55'36" W near the
6-33 centerline of a creek a distance of 1086.25 feet, continuing N
6-34 34°53'12" E near the centerline of a creek a distance of 27.96 and
6-35 continuing S 89°29'28" E a distance of 13.25 feet.
6-36 Thence: S 00°55'36" E a distance of 10.47 feet to a 1/2" set iron rod
6-37 near the centerline of County Road 4515 for the Easternmost
6-38 Southeast corner of this tract, at the Easternmost Southeast corner
6-39 of the referenced 89.056 acre parent tract remainder, at the
6-40 Southwest corner of the referenced Fetters tract and being in the
6-41 North line of a called 60.792 acre tract conveyed to Keith David
6-42 Welch in Volume 1541, Page 128, from which a 1/2" found iron rod
6-43 maintaining a witness monument for the Southeast corner of the
6-44 referenced Fetters tract bears S 89°15'28" E near the centerline of
6-45 County Road 4515 a distance of 687.16 feet and continuing N 44°16'18
6-46 W a distance of 36.00 feet.
6-47 Thence: N 89°15'45" W near the centerline of County Road 4515 a
6-48 distance of 918.91 feet to a point at the intersection of the
6-49 centerline of County Road 4515 and the centerline of County Road
6-50 4516 for a corner of this tract, for a corner of the referenced
6-51 89.056 acre parent tract remainder and being in the North line of a
6-52 called 40.000 acre tract conveyed to Brent Whitsell and spouse,
6-53 Julie A. Whitsell in Volume 2007, Page 26, from which a 1/2" found
6-54 iron rod bears S 13°00'19" W a distance of 4.95 feet.
6-55 Thence: N 89°54'42" W passing a 1/2" found iron rod at the Northeast
6-56 corner of a called 5.333 acre tract conveyed to Ian D. Buchanan and
6-57 Joyce Buchanan in Instrument Number 2021000718 at a distance of
6-58 621.62 feet and continuing a total distance of 1189.07 feet to a
6-59 pipe fence corner post for a corner of this tract, at the
6-60 Southernmost Southwest corner of the referenced 89.056 acre parent
6-61 tract remainder, being at the Southeast corner of the referenced
6-62 32.267 acre parent tract and being in the North line of the
6-63 referenced Buchanan tract.
6-64 Thence: WEST (Reference Bearing) passing a point at the Northwest
6-65 corner of the referenced Buchanan tract and the Northeast corner of
6-66 a called Lot 10R of the Replat of Lots 9 & 10 of the Forest Glen
6-67 Addition of record in Cabinet C, Slide 151 at a distance of 39.22

7-1 feet, from which a 1/2" found iron rod bears South 0.48 feet, and
7-2 continuing a total distance of 1436.72 feet to the Point of
7-3 Beginning and containing 101.697 acres of which 1.5 acres lays in a
7-4 public road.

7-5 SECTION 3. (a) The legal notice of the intention to
7-6 introduce this Act, setting forth the general substance of this
7-7 Act, has been published as provided by law, and the notice and a
7-8 copy of this Act have been furnished to all persons, agencies,
7-9 officials, or entities to which they are required to be furnished
7-10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
7-11 Government Code.

7-12 (b) The governor, one of the required recipients, has
7-13 submitted the notice and Act to the Texas Commission on
7-14 Environmental Quality.

7-15 (c) The Texas Commission on Environmental Quality has filed
7-16 its recommendations relating to this Act with the governor, the
7-17 lieutenant governor, and the speaker of the house of
7-18 representatives within the required time.

7-19 (d) All requirements of the constitution and laws of this
7-20 state and the rules and procedures of the legislature with respect
7-21 to the notice, introduction, and passage of this Act are fulfilled
7-22 and accomplished.

7-23 SECTION 4. (a) If this Act does not receive a two-thirds
7-24 vote of all the members elected to each house, Subchapter C, Chapter
7-25 8009A, Special District Local Laws Code, as added by Section 1 of
7-26 this Act, is amended by adding Section 8009A.0307 to read as
7-27 follows:

7-28 Sec. 8009A.0307. NO EMINENT DOMAIN POWER. The district may
7-29 not exercise the power of eminent domain.

7-30 (b) This section is not intended to be an expression of a
7-31 legislative interpretation of the requirements of Section 17(c),
7-32 Article I, Texas Constitution.

7-33 SECTION 5. This Act takes effect immediately if it receives
7-34 a vote of two-thirds of all the members elected to each house, as
7-35 provided by Section 39, Article III, Texas Constitution. If this
7-36 Act does not receive the vote necessary for immediate effect, this
7-37 Act takes effect September 1, 2023.

7-38

* * * * *