

By: Madla

S.B. No. 1892

Substitute the following for S.B. No. 1892:

By: Puente

C.S.S.B. No. 1892

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Espada Development District;
providing authority to impose taxes and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3833 to read as follows:

CHAPTER 3833. ESPADA DEVELOPMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3833.001. DEFINITIONS. In this chapter:

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

(2) "Bond" means any type of interest-bearing obligation, including a bond, note, bond anticipation note, certificate of participation, or other similar evidence of indebtedness.

(3) "City" means the City of San Antonio.

(4) "District" means the Espada Development District.

Sec. 3833.002. ESPADA DEVELOPMENT DISTRICT. The Espada Development District is a special district created under Sections 52 and 52-a, Article III, Section 1-g, Article VIII, and Section 59, Article XVI, Texas Constitution.

Sec. 3833.003. MUNICIPAL CONSENT REQUIRED; CONDITIONS. (a) Unless the governing body of the city by resolution consents to the creation of the district before January 1, 2007:

1 (1) the board may not hold an election to confirm the
2 creation of the district and to elect directors under Section
3 3833.024;

4 (2) the district is dissolved on that date; and

5 (3) this chapter expires September 1, 2008.

6 (b) The governing body of the city by resolution may consent
7 or withhold consent to the creation of the district and the
8 governing body's consent may be conditional, as expressly provided
9 by the resolution. The governing body may include as a condition to
10 its consent a requirement that certain territory be added to or
11 excluded from the district before the confirmation election.

12 Sec. 3833.004. CONFIRMATION ELECTION REQUIRED. If the
13 creation of the district is not confirmed at a confirmation
14 election held under Section 3833.024 before September 1, 2009:

15 (1) the district is dissolved September 1, 2009,
16 except that:

17 (A) the district shall pay any debts incurred;

18 (B) the district shall transfer any assets that
19 remain after the payment of debts to the city; and

20 (C) the organization of the district is
21 maintained until all debts are paid and remaining assets are
22 transferred; and

23 (2) this chapter expires September 1, 2012.

24 Sec. 3833.005. PURPOSE; DECLARATION OF INTENT. (a) The
25 creation of the district is essential to accomplish the purposes of
26 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
27 Texas Constitution, and other public purposes stated in this

1 chapter.

2 (b) The creation of the district is necessary to develop,
3 encourage, and maintain employment, commerce, economic
4 development, and the public welfare of residents, employers,
5 employees, and consumers in the district and adjacent areas.

6 (c) Except as provided by this chapter, the creation of the
7 district may not be interpreted to relieve the city from providing
8 services to the area of the district. The district is created to
9 supplement and not to supplant the city services provided in the
10 area of the district.

11 Sec. 3833.006. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
12 The district is created to serve a public use and benefit.

13 (b) The creation of the district is in the public interest
14 and is essential to:

15 (1) further the public purposes of developing and
16 diversifying the economy of the state;

17 (2) eliminate unemployment and underemployment; and

18 (3) develop or expand transportation and commerce.

19 (c) The district will provide needed funding for the
20 district to maintain and enhance the economic health and vitality
21 of the district territory as a community and business center.

22 (d) The district may not act as the agent or instrumentality
23 of any private interest even though the district will benefit many
24 private interests as well as the public.

25 Sec. 3833.007. DISTRICT TERRITORY. (a) The district is
26 composed of the territory described by Section 2 of the Act enacting
27 this chapter, as that territory may have been modified to meet a

1 condition of the city's resolution consenting to the district's
2 creation.

3 (b) The boundaries and field notes contained in Section 2 of
4 the Act creating this chapter form a closure. A mistake made in the
5 field notes or in copying the field notes in the legislative process
6 does not affect the district's:

7 (1) organization, existence, or validity;

8 (2) right to impose taxes;

9 (3) right to issue or pay bonds; or

10 (4) legality or operation.

11 (c) After the confirmation election, the district may not
12 add or exclude territory from the district.

13 Sec. 3833.008. COMPLIANCE WITH MUNICIPAL CONSENT
14 RESOLUTIONS. The district shall comply with all terms and
15 conditions of any resolution adopted by the governing body of the
16 city that consents to the creation of the district or to the
17 inclusion or exclusion of territory in the district.

18 Sec. 3833.009. APPLICABILITY OF OTHER WATER DISTRICTS LAW.
19 Except as otherwise provided by this chapter, Chapter 49, Water
20 Code, does not apply to the district.

21 Sec. 3833.010. LIBERAL CONSTRUCTION OF CHAPTER. This
22 chapter shall be liberally construed in conformity with the
23 findings and purposes stated in this chapter.

24 [Sections 3833.011-3833.020 reserved for expansion]

25 SUBCHAPTER A1. TEMPORARY PROVISIONS

26 Sec. 3833.021. INITIAL DIRECTORS. (a) If the governing
27 body of the city consents to the creation of the district under

1 Section 3833.003, the governing body shall appoint a board of five
2 initial voting directors.

3 (b) The governing body of the city shall appoint the initial
4 directors with:

5 (1) two initial directors' terms expiring on June 1,
6 2008; and

7 (2) three directors' terms expiring on June 1, 2010.

8 (c) This section expires September 1, 2011.

9 Sec. 3833.022. ORGANIZATIONAL MEETING OF INITIAL
10 DIRECTORS. As soon as practicable after the appointment of all the
11 initial directors, the initial directors shall meet at a location
12 in the district agreeable to a majority of the directors. At the
13 meeting, the initial directors shall elect officers from among the
14 initial directors and conduct any other district business.

15 Sec. 3833.023. CHANGE IN DISTRICT TERRITORY BEFORE
16 CONFIRMATION ELECTION. (a) Except as provided by Subsection (b),
17 Section 49.315, Water Code, applies to the district.

18 (b) The governing body of the city must approve by
19 resolution the addition or exclusion of any territory in the
20 district. The governing body may include conditions in the
21 resolution, including a condition that certain territory be added
22 to or excluded from the district.

23 Sec. 3833.024. CONFIRMATION ELECTION. (a) The initial
24 board shall hold an election to confirm the district's creation.

25 (b) The ballots for a confirmation election must provide for
26 voting "For District" and "Against District."

27 (c) If a majority of the votes cast in the election favor the

1 creation of the district, then the initial board shall declare that
2 the district is created and enter the result in its minutes. If
3 less than a majority of the votes cast in the election are against
4 the creation of the district, the initial board shall declare that
5 the district was defeated and enter the result in its minutes. The
6 board shall file a copy of the order with the governing body of the
7 city.

8 (d) The order canvassing the results of the confirmation
9 election must contain a description of the district's boundaries.
10 The initial board shall file the order in the district's records and
11 in the deed records of the county or counties in which the district
12 is located.

13 Sec. 3833.025. EXPIRATION OF SUBCHAPTER. This subchapter
14 expires September 1, 2012.

15 [Sections 3833.026-3833.050 reserved for expansion]

16 SUBCHAPTER B. BOARD OF DIRECTORS

17 Sec. 3833.051. BOARD OF DIRECTORS; TERMS. The district is
18 governed by a board of five directors who serve staggered four-year
19 terms, with two or three directors' terms expiring June 1 of each
20 even-numbered year.

21 Sec. 3833.052. QUALIFICATIONS. (a) To be qualified to
22 serve as a director, a person must be at least 18 years of age and be
23 eligible to vote in the:

24 (1) city, if fewer than 1,000 individuals reside in
25 the district; or

26 (2) district, if 1,000 or more individuals reside in
27 the district.

1 (b) A change in the number of individuals who reside in the
2 district does not affect a director's entitlement to serve out the
3 remainder of the director's term.

4 Sec. 3833.053. APPOINTMENT OF DIRECTORS. The governing
5 body of the city shall appoint the district's directors.

6 Sec. 3833.054. NONVOTING DIRECTORS. (a) The following
7 persons serve as nonvoting directors:

8 (1) the directors of the following departments of the
9 city or a person designated by that director:

10 (A) finance; and

11 (B) public works; and

12 (2) the city manager of the city or a person designated
13 by the city manager.

14 (b) If a department described by Subsection (a) is
15 consolidated, renamed, or changed, the board may appoint a director
16 of the consolidated, renamed, or changed department as a nonvoting
17 director. If a department described by Subsection (a) is
18 abolished, the board may appoint a representative of another
19 department that performs duties comparable to those performed by
20 the abolished department.

21 Sec. 3833.055. QUORUM. Nonvoting directors are not counted
22 for purposes of determining whether a quorum is present.

23 Sec. 3833.056. VACANCY. A vacancy on the board is filled
24 for the remainder of the unexpired term in the same manner as the
25 original appointment.

26 Sec. 3833.057. GENERAL VOTING REQUIREMENTS. Except as
27 provided by Section 3833.251, three directors must approve any

1 official district action.

2 Sec. 3833.058. COMPENSATION. A director is not entitled to
3 compensation for service on the board but is entitled to
4 reimbursement for necessary and reasonable expenses incurred in
5 carrying out the duties and responsibilities of a director.

6 Sec. 3833.059. REMOVAL OF DIRECTORS. A board majority may
7 petition the city's governing body to remove a director for
8 misconduct or failure to carry out the director's duties. The
9 governing body, after notice and hearing, may remove the director
10 for the misconduct or failure.

11 Sec. 3833.060. APPLICABILITY OF OTHER WATER DISTRICTS LAW.
12 Subchapter C, Chapter 49, Water Code, applies to the district,
13 except for Sections 49.053, 49.055, and 49.060.

14 [Sections 3833.061-3833.100 reserved for expansion]

15 SUBCHAPTER C. PUBLIC IMPROVEMENTS

16 Sec. 3833.101. GENERAL IMPROVEMENTS POWERS; LIMIT. (a)
17 The district has all powers necessary to acquire, construct, and
18 maintain improvements specified by this subchapter.

19 (b) The district may not exercise a power granted by this
20 subchapter outside the district's boundaries.

21 Sec. 3833.102. WATER-RELATED IMPROVEMENTS. The district
22 may acquire, construct, or maintain stormwater, drainage and
23 detention facilities, sanitary sewer lines and pump stations, and
24 water lines and pump stations.

25 Sec. 3833.103. ROAD-RELATED IMPROVEMENTS; REIMBURSEMENT TO
26 PRIVATE PARTY. (a) The district may acquire, construct, or
27 maintain streets and alleys, including sidewalks, streetscapes,

1 street signs, traffic signals, and street lights.

2 (b) For construction that occurs after the district's
3 creation, the district may reimburse a private person for money
4 spent to construct a road or related improvement that will be
5 transferred under Subchapter D or to purchase a road or improvement
6 constructed by the private person.

7 Sec. 3833.104. TRANSIT FACILITIES. The district may
8 acquire, construct, or maintain transit facilities.

9 Sec. 3833.105. PUBLIC PARKING FACILITIES. The district may
10 acquire, construct, or maintain public parking facilities.

11 Sec. 3833.106. PUBLIC ART. The district may acquire,
12 construct, or maintain public art.

13 Sec. 3833.107. PARKS AND OPEN SPACES. The district may
14 acquire, construct, or maintain parks and open spaces.

15 Sec. 3833.108. PEDESTRIAN LINKAGES. The district may
16 acquire, construct, or maintain pedestrian linkages.

17 Sec. 3833.109. LIBRARY, POLICE STATION, FIRE STATION; CITY
18 CONSENT REQUIRED. After obtaining the city's consent by
19 resolution, the district may acquire, construct, and maintain a
20 library, police station, or a fire station.

21 Sec. 3833.110. GAS AND ELECTRIC TRANSMISSION LINES. The
22 district may acquire, construct, or maintain gas or electric
23 transmission lines and related appurtenances.

24 Sec. 3833.111. CITY CONSENT REQUIRED FOR CERTAIN ROADS AND
25 CITY PROPERTY. Before the district begins a project that involves
26 the use of the rights-of-way of streets, roads, or highways or the
27 use of municipal land or any easements granted by the city, the

1 district must obtain the approval of the city's governing body in
2 the form of a resolution approving the plans and specifications of
3 the project, including a substantial alteration to a plan or
4 specification.

5 Sec. 3833.112. APPLICATION OF INTERLOCAL COOPERATION ACT.
6 For purposes of Chapter 791, Government Code, the implementation of
7 an improvement under this subchapter is a governmental function or
8 service.

9 Sec. 3833.113. ACQUISITION OF CERTAIN ENCUMBERED PROPERTY
10 PROHIBITED. The district may not acquire an improvement under this
11 subchapter that has a lien on it or is otherwise encumbered.

12 [Sections 3833.114-3833.150 reserved for expansion]

13 SUBCHAPTER D. TRANSFER OF PUBLIC IMPROVEMENTS

14 Sec. 3833.151. TRANSFER OF CERTAIN IMPROVEMENTS REQUIRED.

15 (a) Subject to Section 3833.155, the district shall transfer an
16 improvement as provided by this section when the district acquires
17 or completes the improvement and the receiving entity approves the
18 transfer.

19 (b) The district shall transfer a:

20 (1) water line or system, including a pump station or
21 other ancillary improvement, that is located in a portion of the
22 district that is in the certificated service area of the:

23 (A) San Antonio Water System, to that system; and

24 (B) Bexar Metropolitan Water District, to that
25 district;

26 (2) wastewater line or system, including a pump
27 station or other ancillary improvement, to the San Antonio Water

1 System;

2 (3) library, police station, or fire station to the
3 city;

4 (4) stormwater, drainage, or detention line or
5 detention facility, to the city;

6 (5) road, alley, or street, to the city;

7 (6) sidewalk, to the city;

8 (7) streetscape, to the city;

9 (8) street light, to the city;

10 (9) street sign, to the city;

11 (10) traffic signal, to the city;

12 (11) pedestrian linkage, to the city; and

13 (12) gas or electric transmission lines and related
14 appurtenances to City Public Service.

15 (c) The district is not required to transfer an improvement
16 described by Subsections (b)(4)-(12) if the district and city enter
17 into a written agreement that the transfer is not required. The
18 district and the city may agree on other terms under this
19 subsection.

20 Sec. 3833.152. CONSTRUCTION STANDARDS. A public
21 improvement required to be transferred under this subchapter must
22 be constructed in compliance with the requirements and
23 specifications established by the appropriate receiving entity at
24 the time construction of the improvement begins.

25 Sec. 3833.153. OPTIONAL TRANSFER FOR CERTAIN IMPROVEMENTS.

26 (a) The district may retain bus terminals or may transfer the bus
27 terminals to the VIA Metropolitan Transit Authority or any

1 successor regional transportation authority or district with the
2 agreement of the authority.

3 (b) The district may retain public parking areas, parks and
4 open space improvements and public art, or may transfer these to the
5 city with the agreement of the city.

6 Sec. 3833.154. PARTIAL TRANSFER IN STAGES. The district
7 may transfer part of an improvement as provided by this subchapter
8 if the district constructs the improvement in stages.

9 Sec. 3833.155. TRANSFER WITHOUT DEBT REQUIRED. The
10 district shall convey all improvements that it is required to
11 transfer under this subchapter without debt or other encumbrance.

12 Sec. 3833.156. OWNERSHIP AND RESPONSIBILITY AFTER
13 TRANSFER. (a) After a transfer under this subchapter, the
14 receiving entity owns the improvement and has sole jurisdiction
15 and control over the improvement. On acceptance of the transfer,
16 the receiving entity is responsible for all maintenance of the
17 public improvement and the district is not responsible for the
18 public improvement or its maintenance.

19 (b) This section does not affect any authority of the
20 receiving entity to alter, relocate, close, or discontinue
21 maintenance of an improvement.

22 Sec. 3833.157. CONTRACT WITH DISTRICT TO MAINTAIN
23 IMPROVEMENT AFTER TRANSFER. The district may contract with the
24 receiving entity to provide a higher level of maintenance to an
25 improvement transferred under this subchapter. The district shall
26 pay the receiving entity for the higher level of maintenance.

27 Sec. 3833.158. EFFECT OF CONVEYANCE ON DISTRICT DEBT.

1 Conveyance of a public improvement to the appropriate entity under
2 this subchapter does not affect:

3 (1) the sole responsibility of the district to pay in
4 full the principal of and interest and any premium on any
5 outstanding district bonds or other debt; or

6 (2) the district's responsibility to perform the
7 obligations provided by the orders or resolutions authorizing the
8 bonds or other debt.

9 [Sections 3833.159-3833.200 reserved for expansion]

10 SUBCHAPTER E. OTHER GENERAL POWERS AND DUTIES

11 Sec. 3833.201. CONTRACTS. In addition to the powers
12 granted by Section 49.057, Water Code, the district may contract
13 with any person for any district purpose, including governmental
14 entities, under terms and conditions the board considers advisable.

15 Sec. 3833.202. CONTRACT ELECTIONS. Section 49.108, Water
16 Code, applies to the district.

17 Sec. 3833.203. GRANTS; LOANS. The district may accept a
18 grant or loan from any person for any district purpose.

19 Sec. 3833.204. PROPERTY. The district may acquire or
20 dispose of any property right in any manner necessary, convenient,
21 or useful to exercise a district power.

22 Sec. 3833.205. SURPLUS PROPERTY. (a) The district may
23 sell, lease, or otherwise dispose of any property right that is not
24 necessary for or, if the property right is a lease, that is
25 inconsistent with the efficient operation and maintenance of the
26 district's improvements.

27 (b) The district may sell, lease, or otherwise dispose of

1 any surplus property that is not necessary to implement a district
2 purpose.

3 Sec. 3833.206. RECREATIONAL FACILITIES. In addition to the
4 district's powers under Section 3833.106 or 3833.107, Subchapter N,
5 Chapter 49, Water Code, applies to the district.

6 Sec. 3833.207. HEARINGS. The district may conduct hearings
7 and take testimony and proof, under oath or affirmation, at public
8 hearings, on any matter necessary to implement a district purpose.

9 Sec. 3833.208. NOTICES, REPORTS, AND BANKRUPTCY. (a)
10 Except as provided by Subsection (b), Subchapter M, Chapter 49,
11 Water Code, applies to the district.

12 (b) Section 49.454, Water Code, does not apply to the
13 district.

14 Sec. 3833.209. ANNEXATION OF DEVELOPER'S PROPERTY; TAX
15 INCREMENT REINVESTMENT ZONE; SERVICES. (a) In this section,
16 "developer" means a person who owns a tract of land in the district
17 and who has divided or proposes to divide the tract into two or more
18 parts to lay out a subdivision of the tract, including an addition
19 to a municipality, or to lay out suburban, building, or other lots,
20 and to lay out streets, alleys, squares, parks, or other parts of
21 the tract intended to be dedicated to public use or for the use of
22 purchasers or owners of lots fronting on or adjacent to the streets,
23 alleys, squares, parks, or other parts.

24 (b) The developer may petition the city to annex the
25 developer's property in the district and for the formation of a tax
26 increment reinvestment zone in the annexed property under Chapter
27 311, Tax Code.

1 (c) The developer and the city may negotiate the terms and
2 levels of services to be provided in the annexed area based on the
3 developer's projected development plan. The plan may provide that
4 one or more city services is not required unless and until the
5 property actually develops sufficiently to justify the service.

6 (d) In negotiating an agreement for services under this
7 section, the parties may agree to:

8 (1) any term allowed under Section 42.044 or 43.0751,
9 Local Government Code, regardless of whether the city or the area
10 proposed for annexation would have otherwise been able to agree to
11 the term under those sections; and

12 (2) any other provision to which both parties agree to
13 satisfactorily resolve any dispute between the parties.

14 (e) The terms and conditions of the negotiated service plan
15 bind the city for the period provided by Section 43.056(1), Local
16 Government Code, and the developer, the developer's heirs,
17 successors, and assigns, and any person taking title to all or a
18 portion of the property annexed under the annexation petition for
19 that period.

20 (f) The developer and the city may amend the negotiated
21 service plan. An amendment binds only the property owned or
22 controlled by the developer at the time of the approval of the
23 amendment by the developer and the city.

24 (g) The developer and the city shall forward the negotiated
25 service plan and any later amendments to the board.

26 Sec. 3833.210. PROHIBITION ON UTILITY SERVICES. The
27 district may not provide electric, gas, water, sewer, drainage, or

1 flood control services to residential, retail, or commercial
2 customers in or outside the district.

3 Sec. 3833.211. USE AND ALTERATION OF PUBLIC WAYS. (a) The
4 district may not change, alter, or damage the property, including
5 facilities, of the state or any other governmental entity or of
6 owners providing public services, or disrupt those services being
7 provided by others, or otherwise inconvenience the owners of that
8 property or those facilities without having first obtained the
9 written consent of those owners.

10 (b) If the owners of the property, including facilities,
11 desire to handle the change, alteration, or damage of the property,
12 including facilities, with their own personnel or to have the work
13 done by contractors of their own choosing, the district may agree
14 with the owners to provide for the necessary changes, alterations,
15 or damage of the property, including facilities, by the owners or
16 contractors and the reimbursement by the district to those owners
17 of the costs incurred by the owners in making those changes,
18 alterations, or damages or having them accomplished by contractors.

19 Sec. 3833.212. NO EMINENT DOMAIN POWER. The district may
20 not exercise the power of eminent domain.

21 [Sections 3833.213-3833.250 reserved for expansion]

22 SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

23 Sec. 3833.251. BOARD VOTE REQUIRED TO IMPOSE TAXES OR ISSUE
24 BONDS. The district may not impose a tax or issue bonds unless four
25 directors vote in favor of the tax or the issuance of bonds.

26 Sec. 3833.252. BORROWING MONEY. The district may borrow
27 money on terms and conditions the board determines.

1 Sec. 3833.253. APPLICABILITY OF WATER DISTRICTS LAW ON
2 GENERAL FISCAL PROVISIONS. (a) Except as provided by Subsection
3 (b), Subchapter E, Chapter 49, Water Code, applies to the district.

4 (b) Section 49.153, Water Code, does not apply to the
5 district.

6 Sec. 3833.254. INSURANCE. The district may obtain
7 insurance and pay premiums to insurers for insurance of any type in
8 amounts considered necessary or advisable by the board.

9 Sec. 3833.255. DISADVANTAGED BUSINESSES. Section 375.222,
10 Local Government Code, applies to the district.

11 Sec. 3833.256. AUDIT. (a) The board shall have the
12 district's fiscal accounts and records audited annually. The audit
13 must be completed not later than the 120th day after the date on
14 which the district's fiscal year ends.

15 (b) The person who performs the audit must hold a license
16 issued under Chapter 901, Occupations Code.

17 (c) The audit must be performed according to generally
18 accepted auditing standards.

19 Sec. 3833.257. STATE AUDITOR. The state auditor may audit
20 the financial transactions of the district if the state auditor
21 determines the audit is necessary.

22 Sec. 3833.258. FINANCIAL REPORTS. (a) The district shall
23 keep a full and itemized account of district money. These accounts
24 must be available for audit.

25 (b) Financial statements must be prepared in accordance
26 with generally accepted accounting principles.

27 Sec. 3833.259. APPLICABILITY OF WATER DISTRICTS LAW ON

1 CONSTRUCTION, EQUIPMENT, MATERIALS, AND MACHINERY CONTRACTS. (a)
2 Except as provided by Subsection (b), Subchapter I, Chapter 49,
3 Water Code, applies to the district.

4 (b) Section 49.279, Water Code, does not apply to the
5 district.

6 Sec. 3833.260. PREVAILING WAGE RATES; CITY. The district
7 shall use the prevailing wage rate in the city for purposes of
8 complying with Section 2258.022, Government Code.

9 Sec. 3833.261. HIGH TECHNOLOGY PROCUREMENT. In making a
10 high technology procurement, the district must comply with Sections
11 252.021(a) and 252.042, Local Government Code, in the same manner
12 as a municipality governed by those sections.

13 Sec. 3833.262. ASSESSMENTS OR IMPACT FEES NOT AUTHORIZED.
14 The district may not impose an assessment or impact fee.

15 [Sections 3833.263-3833.300 reserved for expansion]

16 SUBCHAPTER G. TAXES

17 Sec. 3833.301. AD VALOREM TAXES FOR MAINTENANCE AND
18 OPERATION OR TO PAY BONDS. Section 49.107, Water Code, and
19 Subchapter G, Chapter 54, Water Code, apply to the district.

20 Sec. 3833.302. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
21 (a) All or any part of the area of the district is eligible to be
22 included in a tax increment reinvestment zone created by the city
23 under Chapter 311, Tax Code.

24 (b) If the city includes all or part of the district in a tax
25 increment reinvestment zone, the city may, for the area in the
26 district, delegate to the district:

27 (1) all powers provided to the city under Chapter 311,

1 Tax Code; or

2 (2) the power to enter into an interlocal agreement
3 with an overlapping taxing unit for payment of all or a portion of
4 the tax increment of the unit to the district.

5 Sec. 3833.303. NO SALES AND USE TAX. The district may not
6 impose a sales or use tax.

7 Sec. 3833.304. NO TAX PHASE-INS AND ABATEMENTS. The
8 district may not grant a tax abatement or phase-in under Chapter 311
9 or 312, Tax Code, or any other law.

10 [Sections 3833.305-3833.350 reserved for expansion]

11 SUBCHAPTER H. BONDS

12 Sec. 3833.351. BONDS AND OTHER OBLIGATIONS. (a) The
13 district may issue bonds payable wholly or partly from ad valorem
14 taxes, revenue, grants, or other money of the district, or any
15 combination of those sources of money, to pay for any authorized
16 purpose of the district.

17 (b) The district may issue a bond or other obligation in the
18 form of a bond, note, certificate of participation, or other
19 instrument evidencing a proportionate interest in payments to be
20 made by the district, or other type of obligation.

21 Sec. 3833.352. CITY CONSENT FOR PUBLIC IMPROVEMENTS BONDS.
22 Before issuing any bonds in connection with an improvement under
23 Subchapter C or Section 3833.206, the district must obtain the
24 approval of the city's governing body by a resolution approving:

25 (1) the issuance of the bonds; and

26 (2) the plans and specifications of the improvement,
27 including any substantial alteration to a plan or specification.

1 Sec. 3833.353. CITY NOT REQUIRED TO PAY DISTRICT
2 OBLIGATIONS. Except as provided by Section 3833.452, the city is
3 not required to pay a bond, note, or other obligation of the
4 district.

5 Sec. 3833.354. APPLICABILITY OF MUNICIPAL UTILITY
6 DISTRICTS BONDS LAW. Sections 54.510, 54.512, 54.518, 54.520, and
7 54.521, Water Code, apply to the district.

8 Sec. 3833.355. BOND SALES. Section 49.183, Water Code,
9 applies to the district.

10 Sec. 3833.356. BOND ELECTIONS; GENERAL. Section 49.106,
11 Water Code, applies to the district.

12 Sec. 3833.357. BOND ELECTION REQUIRED. The district may
13 not issue bonds payable in whole or in part from taxes unless the
14 issuance is approved by a majority of the registered voters in the
15 district voting at an election held for that purpose.

16 Sec. 3833.358. BOND ELECTION NOT REQUIRED. The district
17 may issue bonds payable only from sources other than taxes without
18 an election.

19 [Sections 3833.359-3833.400 reserved for expansion]

20 SUBCHAPTER I. ADDITIONAL ELECTION PROVISIONS

21 Sec. 3833.401. TIME OF ELECTION. An election held under
22 this chapter may be held at the same time and in conjunction with
23 any other election.

24 Sec. 3833.402. ELECTION CALLED BY BOARD. The board may call
25 an election for the purpose of voting on any measure.

26 [Sections 3833.403-3833.450 reserved for expansion]

1 SUBCHAPTER J. DISSOLUTION

2 Sec. 3833.451. DISSOLUTION BY CITY VOTE. The governing
3 body of the city, by a vote of not less than two-thirds of its
4 membership, may by resolution dissolve the district.

5 Sec. 3833.452. ASSETS AND LIABILITIES TO CITY. After a
6 dissolution under this subchapter, the city assumes all debts and
7 assets of the district.

8 SECTION 2. Unless modified to meet a condition to the
9 consent required by Section 3833.003 or 3833.023, Special District
10 Local Laws Code, as added by this Act, the Espada Development
11 District includes all the territory contained in the following
12 described area:

13 Tract 1:

14 A 740.59 acre, or 32,260,018 square foot more or less, tract
15 of land being a portion of that remaining portion of a 1115.024 acre
16 tract as recorded and conveyed to Donald R. Vestal in Warranty Deed
17 recorded in Volume 5716, Page 396-412 of the Official Public
18 Records of Real Property of Bexar County, Texas, a portion of that
19 672.567 acre tract as recorded and conveyed to Bexar Metropolitan
20 Water in Warranty Deed recorded in Volume 7057, Page 1327-1336 of
21 the Official Public Records of Real Property of Bexar County,
22 Texas, being out of the Juan M. Uriegas Survey No. 32, Abstract 769,
23 County Block 4283 of Bexar County, Texas, situated in New City Block
24 (N.C.B.) 15647 of the City of San Antonio, Bexar County, Texas. Said
25 740.59 acre tract being more fully described as follows:

26 BEGINNING: At a found 1/2" iron rod on the east right-of-way
27 line of South Flores Street (F.M. 1937), a 40-foot right-of-way,

1 the southeast corner of said 672.567 acre tract, the west line of
2 said remaining portion of said 1115.024 acre tract;

3 THENCE: Along and with the east line of said South Flores
4 Street (F.M. 1937), the west line of said remaining portion of said
5 1115.024 acre tract, the following calls and distances:

6 N 14°09'09"W, a distance of 117.47 feet to a found 1/2" iron
7 rod;

8 N 14°52'33"W, a distance of 21.07 feet to a Texas Department
9 of Transportation Monument;

10 N 15°30'04"W, a distance of 1409.70 feet to a Texas Department
11 of Transportation Monument;

12 N 15°57'21"W, a distance of 2007.89 feet to a Texas Department
13 of Transportation Monument on the east right-of-way line of U.S.
14 Highway 281, a variable width right-of-way;

15 THENCE: N 13°16'45"W, along and with the east right-of-way
16 line of said U.S. Highway 281, a distance of 485.43 feet to a Texas
17 Department of Transportation Monument;

18 THENCE: N 16°07'55"W, continuing along and with the east
19 right-of-way line of said U.S. Highway 281, a distance of 905.55
20 feet to a found 1/2" iron rod;

21 THENCE: N 72°56'55"E, departing the east right-of-way line of
22 said U.S. Highway 281, the west line of the remaining portion of
23 said 1115.024 acre tract, a distance of 888.02 feet to a point on
24 the south line of said 35.80 acre tract, the north line of the
25 remaining portion of said 1115.024 acre tract;

26 THENCE: S 89°57'22"E, along and with the north line of the
27 remaining portion of said 1115.024 acre tract, a distance of

1 4361.85 feet to a point on the south line of a 2.090 acre tract
2 recorded in Volume 6749, Page 121-125 of the Deed Records of Bexar
3 County, Texas;

4 THENCE: S 00°00'00"W, departing the south line of said 2.090
5 acre tract, the north line of the remaining portion of said 1115.024
6 acre tract, a distance of 317.01 feet to a point;

7 THENCE: S 08°10'26"E, a distance of 1574.05 feet to a point;

8 THENCE: N 81°10'44"E, a distance of 586.75 feet to a point;

9 THENCE: N 78°26'10"E, a distance of 816.04 feet to a point on
10 the west line of said 672.567 acre tract;

11 THENCE: Along and with the west line of said 672.567 acre
12 tract, the following calls and distances:

13 S 13°56'24"E, a distance of 116.96 feet to a found 1/2" iron
14 rod;

15 S 33°07'16"E, a distance of 530.97 feet to a Texas Department
16 of Transportation Monument with a brass plate;

17 S 55°27'49"E, a distance of 144.31 feet to a Texas Department
18 of Transportation Monument with a brass plate;

19 S 60°34'06"E, a distance of 339.63 feet to a Texas Department
20 of Transportation Monument with a brass plate;

21 S 40°22'42"W, a distance of 217.12 feet to a found 1/2" iron
22 rod on the north line of said 672.567 acre tract;

23 THENCE: Along and with the north line of said 672.567 acre
24 tract, the following calls and distances:

25 N 75°06'48"W, a distance of 299.40 feet to a found 1/2" iron
26 rod;

27 N 63°23'14"W, a distance of 259.33 feet to a found 1/2" iron

1 rod;

2 N 37°10'46"W, a distance of 334.69 feet to a point;

3 THENCE: Departing the north line of said 672.567 acre tract,
4 the following calls and distances:

5 S 06°38'09"W, a distance of 275.92 feet to a point;

6 N 66°24'27"W, a distance of 140.04 feet to a point;

7 N 63°12'53"W, a distance of 118.33 feet to a point;

8 S 79°06'43"W, a distance of 113.52 feet to a point;

9 S 49°34'25"W, a distance of 80.15 feet to a point;

10 N 87°18'21"W, a distance of 110.18 feet to a point;

11 S 88°22'14"W, a distance of 170.33 feet to a point;

12 S 58°19'38"W, a distance of 165.81 feet to a point;

13 S 37°26'15"W, a distance of 188.04 feet to a point;

14 S 16°24'37"W, a distance of 140.40 feet to a point;

15 S 41°27'25"W, a distance of 263.61 feet to a point;

16 S 37°35'31"W, a distance of 243.33 feet to a point;

17 S 36°10'37"W, a distance of 108.98 feet to a point;

18 S 67°06'23"W, a distance of 117.23 feet to a point;

19 S 80°09'09"W, a distance of 334.62 feet to a point;

20 S 73°27'54"W, a distance of 230.48 feet to a point;

21 N 54°19'25"W, a distance of 163.98 feet to a point;

22 N 17°35'33"W, a distance of 430.18 feet to a point;

23 N 54°27'44"W, a distance of 172.07 feet to a point;

24 N 21°48'05"W, a distance of 188.51 feet to a point;

25 N 37°15'59"W, a distance of 289.05 feet to a point;

26 N 14°49'35"W, a distance of 351.76 feet to a point;

27 N 34°46'40"W, a distance of 219.18 feet to a point;

1 N 50°42'38"W, a distance of 142.15 feet to a point;
2 N 37°18'14"W, a distance of 132.02 feet to a point;
3 N 20°07'11"W, a distance of 537.89 feet to a point;
4 N 22°31'14"W, a distance of 221.95 feet to a point;
5 N 12°01'50"W, a distance of 311.89 feet to a point;
6 N 02°56'08"W, a distance of 195.28 feet to a point;
7 N 19°46'52"W, a distance of 111.22 feet to a found 1/2" iron
8 rod on the north line of said 672.567 acre tract;
9 N 89°53'20"W, a distance of 259.68 feet to a point;
10 THENCE: Departing the north line of said 672.567 acre tract,
11 the following calls and distances:
12 S 09°56'21"E, a distance of 530.36 feet to a point;
13 S 17°50'25"E, a distance of 228.49 feet to a point;
14 S 21°17'50"E, a distance of 316.62 feet to a point;
15 S 16°00'40"E, a distance of 598.20 feet to a point;
16 S 45°39'31"E, a distance of 307.61 feet to a point;
17 S 34°06'52"E, a distance of 187.22 feet to a point;
18 S 19°17'24"E, a distance of 402.60 feet to a point;
19 S 61°28'37"E, a distance of 104.71 feet to a point;
20 S 28°08'30"E, a distance of 243.82 feet to a point;
21 S 01°14'01"E, a distance of 232.25 feet to a point;
22 S 75°55'09"W, a distance of 22.99 feet to a point;
23 S 44°37'47"W, a distance of 83.38 feet to a point;
24 S 18°40'42"W, a distance of 205.95 feet to a point;
25 S 08°00'07"W, a distance of 133.57 feet to a point;
26 S 04°21'40"E, a distance of 153.65 feet to a point;
27 S 22°18'37"E, a distance of 115.10 feet to a point;

- 1 S 37°18'31"E, a distance of 112.15 feet to a point;
- 2 S 50°24'55"E, a distance of 186.70 feet to a point;
- 3 S 63°38'21"E, a distance of 108.62 feet to a point;
- 4 S 80°06'26"E, a distance of 191.33 feet to a point;
- 5 S 89°00'59"E, a distance of 115.96 feet to a point;
- 6 N 86°28'43"E, a distance of 179.35 feet to a point;
- 7 N 88°19'30"E, a distance of 78.78 feet to a point;
- 8 N 82°38'44"E, a distance of 129.80 feet to a point;
- 9 N 84°00'13"E, a distance of 197.49 feet to a point;
- 10 N 75°54'18"E, a distance of 208.41 feet to a point;
- 11 N 78°38'32"E, a distance of 193.76 feet to a point;
- 12 N 71°13'44"E, a distance of 231.05 feet to a point;
- 13 N 62°44'11"E, a distance of 123.08 feet to a point;
- 14 N 50°15'54"E, a distance of 149.00 feet to a point;
- 15 N 63°06'59"E, a distance of 166.38 feet to a point;
- 16 N 71°41'34"E, a distance of 64.52 feet to a point;
- 17 N 89°42'47"E, a distance of 27.62 feet to a point;
- 18 N 75°23'41"E, a distance of 76.58 feet to a point;
- 19 N 59°52'07"E, a distance of 124.83 feet to a point;
- 20 N 48°19'11"E, a distance of 54.41 feet to a point;
- 21 N 81°03'14"E, a distance of 175.20 feet to a point;
- 22 N 75°58'25"E, a distance of 154.24 feet to a point;
- 23 N 63°27'07"E, a distance of 132.46 feet to a point;
- 24 N 45°01'16"E, a distance of 111.58 feet to a point;
- 25 N 37°25'33"E, a distance of 49.74 feet to a point;
- 26 N 67°00'04"E, a distance of 76.76 feet to a point;
- 27 S 85°04'33"E, a distance of 99.44 feet to a point;

- 1 S 67°31'46"E, a distance of 122.13 feet to a point;
- 2 S 41°52'34"E, a distance of 62.30 feet to a point;
- 3 S 22°52'47"E, a distance of 87.06 feet to a point;
- 4 S 13°27'16"E, a distance of 120.82 feet to a point;
- 5 S 00°00'00"W, a distance of 112.66 feet to a point;
- 6 S 21°43'58"W, a distance of 123.92 feet to a point;
- 7 S 25°52'55"W, a distance of 161.82 feet to a point;
- 8 S 03°39'18"E, a distance of 104.10 feet to a point;
- 9 S 10°18'09"E, a distance of 292.00 feet to a point;
- 10 S 49°51'53"E, a distance of 66.40 feet to a point;
- 11 S 80°22'10"E, a distance of 85.28 feet to a point;
- 12 N 64°43'28"E, a distance of 159.65 feet to a point;
- 13 N 83°25'22"E, a distance of 83.04 feet to a point;
- 14 N 67°42'41"E, a distance of 124.59 feet to a point;
- 15 S 82°18'12"E, a distance of 155.12 feet to a point;
- 16 S 70°04'06"E, a distance of 90.99 feet to a point;
- 17 S 52°01'18"E, a distance of 216.61 feet to a point;
- 18 S 66°37'04"E, a distance of 201.52 feet to a point;
- 19 S 76°19'46"E, a distance of 197.81 feet to a point;
- 20 S 70°55'51"E, a distance of 84.60 feet to a point;
- 21 S 46°29'24"E, a distance of 60.73 feet to a point;
- 22 S 20°17'22"E, a distance of 168.97 feet to a point;
- 23 S 29°45'47"E, a distance of 72.65 feet to a point;
- 24 S 01°20'00"W, a distance of 96.88 feet to a point;
- 25 S 27°29'30"E, a distance of 63.48 feet to a point;
- 26 S 58°15'34"E, a distance of 111.32 feet to a point;
- 27 S 87°30'44"E, a distance of 103.79 feet to a point;

1 N 53°09'02"E, a distance of 90.14 feet to a point;
2 N 84°48'34"E, a distance of 124.49 feet to a point;
3 N 59°11'16"E, a distance of 129.89 feet to a point;
4 N 24°32'06"E, a distance of 115.64 feet to a point;
5 N 77°40'11"E, a distance of 92.58 feet to a point;
6 S 84°17'37"E, a distance of 85.21 feet to a point;
7 S 62°08'27"E, a distance of 173.69 feet to a point;
8 N 82°41'59"E, a distance of 71.00 feet to a point;
9 S 76°18'10"E, a distance of 76.21 feet to a point;
10 S 49°55'12"E, a distance of 89.68 feet to a point;
11 S 03°41'39"E, a distance of 112.11 feet to a point;
12 S 34°42'58"E, a distance of 307.98 feet to a point;
13 S 48°33'12"E, a distance of 324.35 feet to a point;
14 S 09°52'23"E, a distance of 131.90 feet to a point;
15 S 03°49'01"W, a distance of 169.87 feet to a point;
16 S 51°25'25"W, a distance of 425.43 feet to a point on the south
17 line of said 672.567 acre tract;

18 THENCE: N 73°30'59"W, along and with the south line of said
19 672.567 acre tract, a distance of 2068.97 feet to a point;

20 THENCE: S 84°13'34"W, departing the south line of said 672.567
21 acre tract, a distance of 3741.80 feet to a point, a southeast
22 corner of said 672.567 acre tract;

23 THENCE: N 72°46'06"W, along and with the south line of said
24 672.567 acre tract, a distance of 3116.51 feet to the POINT OF
25 BEGINNING, and containing 740.59 acres in the City of San Antonio,
26 Bexar County, Texas. Said tract being described in accordance with
27 a survey made on the ground and a survey map prepared by Pape-Dawson

1 Engineers, Inc.

2 Tract 2:

3 A 107.94 acre, or 4,702,064 square foot more or less, tract of
4 land being, all of that 12.226 and 22.227 acre tract as recorded and
5 conveyed to Incarnate Word College in Warranty Deed recorded in
6 Volume 6344, Page 595-598 of the Official Public Records of Real
7 Property of Bexar County, Texas, all of that 2.00 acre tract as
8 recorded and conveyed to Gary J. Roberts Jr. and Heather N. Roberts
9 in Warranty Deed recorded in Volume 7936, Page 2083-2086 of the
10 Official Public Records of Real Property of Bexar County, Texas,
11 all of that 2.089 acre tract as recorded and conveyed to Gilbert R.
12 Jimenez and Robert D. Garza in Warranty Deed recorded in Volume
13 5073, Page 989-990 of the Official Public Records of Real Property
14 of Bexar County, Texas, all of that 2.089 acre tract as recorded and
15 conveyed to Fred and Lydia Jimenez in Warranty Deed recorded in
16 Volume 6749, Page 105-109 of the Official Public Records of Real
17 Property of Bexar County, Texas, a portion of that 10.00 acre tract
18 as recorded and conveyed to Richard G. Pulido Trust in Warranty Deed
19 recorded in Volume 9424, Page 159-161 of the Official Public
20 Records of Real Property of Bexar County, Texas, a portion of that
21 remaining 20.00 acre tract as recorded and conveyed to Joe A. De
22 Gasperi in Warranty Deed recorded in Volume 9031, Page 2306-2307 of
23 the Official Public Records of Real Property of Bexar County,
24 Texas, all of that 6.00 acre tract as recorded and conveyed to
25 Herman Roberts and Rosie Roberts in Warranty Deed recorded in
26 Volume 7139, Page 806-809 of the Official Public Records of Real
27 Property of Bexar County, Texas, all of that 2.089 acre tract as

1 recorded and conveyed to Herman Roberts and Rosie Roberts in
2 Warranty Deed recorded in Volume 6749, Page 99-104 of the Official
3 Public Records of Real Property of Bexar County, Texas, all of that
4 9.967 acre tract as recorded and conveyed to Herman Roberts and
5 Rosie Roberts in Warranty Deed recorded in Volume 6785, Page 29-32
6 of the Official Public Records of Real Property of Bexar County,
7 Texas, all of that 10.00 acre tract as recorded and conveyed to
8 Hiram Polendo in Warranty Deed recorded in Volume 5624, Page
9 1030-1034 of the Official Public Records of Real Property of Bexar
10 County, Texas, and being out of the Juan M. Uriegas Survey No. 32,
11 Abstract 769, County Block 4283 of Bexar County, Texas, situated in
12 New City Block (N.C.B.) 11039 and 15647 of the City of San Antonio,
13 Bexar County, Texas. Said 107.94 acre tract being more fully
14 described as follows:

15 COMMENCING: At a found 1/2" iron rod on the east right-of-way
16 line of U.S. Highway 281, a variable width right-of-way, the
17 northwest corner of the remaining portion of a 1115.024 acre tract
18 recorded in Volume 5716, Page 396-412 of the Official Public
19 Records of Real Property of Bexar County, Texas, the southwest
20 corner of the remaining portion of a 35.80 acre tract recorded in
21 Volume 5079, Page 222-225 of the Official Public Records of Real
22 Property of Bexar County, Texas;

23 THENCE: S 89°57'22"E, departing the east right-of-way line of
24 said U.S. Highway 281, along and with the south line of the
25 remaining portion of said 35.80 acre tract, the north line of the
26 remaining portion of said 1115.024 acre tract, a distance of
27 2844.44 feet to the POINT OF BEGINNING, southeast corner of the

1 remaining portion of a 42.153 acre tract recorded in Volume 4145,
2 Page 1731-1732 of the Official Public Records of Real Property of
3 Bexar County, Texas; the southwest corner of said 22.227 acre
4 tract;

5 THENCE: N 00°48'52"W, along and with the east line of the
6 remaining portion of said 42.153 acre tract, the west line of said
7 22.227 acre tract, at a distance of 1396.26 feet passing the
8 southeast corner of a 30.00 acre tract recorded in Volume 9859, Page
9 1413-1416 of the Official Public Records of Real Property of Bexar
10 County, Texas, continuing along with the west line of said 22.227
11 acre tract, the east line of said 30.00 acre tract, at a distance of
12 3355.41 feet passing a northeast corner of said 30.00 acre tract,
13 the southwest corner of a 1.00 acre tract recorded in Volume 5957,
14 Page 1565-1567 of the Official Public Records of Real Property of
15 Bexar County, Texas, continuing along and with the east line of said
16 1.00 acre tract, the west line of said 22.227 acre tract, for a
17 total distance of 3563.85 feet to a point on the south right-of-way
18 line of Chavaneaux Road, a 50-foot right-of-way, the northeast
19 corner of said 1.00 acre tract, the northwest corner of said 22.227
20 acre tract;

21 THENCE: S 89°49'44"E, along and with the south right-of-way
22 line of said Chavaneaux Road, a distance of 827.52 feet to a point,
23 the northeast corner of the remaining portion of a 20.25 acre tract
24 recorded in Volume 7139, Page 806-809 of the Official Public
25 Records of Real Property of Bexar County, Texas, the northwest
26 corner of a 2.00 acre tract recorded in Volume 8298, Page 1014-1016
27 of the Official Public Records of Real Property of Bexar County,

1 Texas;

2 THENCE: S 00°29'54"W, departing the south right-of-way line
3 of said Chavaneaux Road, along and with the east line of the
4 remaining portion of said 20.25 acre tract, a distance of 1101.22
5 feet to a point, the southwest corner of a 1.00 acre tract recorded
6 in Volume 9108, Page 1703-1705 of the Official Public Records of
7 Real Property of Bexar County, Texas;

8 THENCE: S 89°49'44"E, departing the east line of the
9 remaining portion of said 20.25 acre tract, a distance of 775.92
10 feet to a point on the west line of a 14.94 acre tract recorded in
11 Volume 4616, Page 398-399 of the Official Public Records of Real
12 Property of Bexar County, Texas, the east line of the remaining
13 portion of said 20.00 acre tract;

14 THENCE: S 00°29'54"W, along and with the east line of the
15 remaining portion of said 20.00 acre tract, a distance of 2157.76
16 feet to a point, the northwest corner of a 2.303 acre tract recorded
17 in Volume 7192, Page 267-268 of the Official Public Records of Real
18 Property of Bexar County, Texas, a corner of the remaining portion
19 of said 20.00 acre tract;

20 THENCE: S 11°44'36"W, along and with the east line of the
21 remaining portion of said 20.00 acre tract, the west line of said
22 2.303 acre tract, a distance of 307.41 feet to a point, the
23 southwest corner of said 2.303 acre tract, the southeast corner of
24 said 20.00 acre tract, on the north line of the remaining portion of
25 said 1115.024 acre tract;

26 THENCE: N 89°57'22"W, along and with the north line of the
27 remaining portion of said 1115.024 acre tract, a distance of

1 1461.86 feet to the POINT OF BEGINNING, and containing 107.94 acres
2 in the City of San Antonio, Bexar County, Texas. Said tract being
3 described in accordance with a survey made on the ground and a
4 survey map prepared by Pape-Dawson Engineers, Inc.

5 SECTION 3. The legislature finds that:

6 (1) proper and legal notice of the intention to
7 introduce this Act, setting forth the general substance of this
8 Act, has been published as provided by law, and the notice and a
9 copy of this Act have been furnished to all persons, agencies,
10 officials, or entities to which they are required to be furnished by
11 the constitution and laws of this state, including the governor,
12 who has submitted the notice and Act to the Texas Commission on
13 Environmental Quality;

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

18 (3) all requirements of the constitution and laws of
19 this state and the rules and procedures of the legislature with
20 respect to the notice, introduction, and passage of this Act have
21 been fulfilled and accomplished.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2005.