

1-1 By: Callegari, et al. (Senate Sponsor - Janek) H.B. No. 3057
1-2 (In the Senate - Received from the House May 4, 2007;
1-3 May 8, 2007, read first time and referred to Committee on State
1-4 Affairs; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the acquisition of real property for public use.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 373.002(b), Local Government Code, is
1-11 amended to read as follows:

1-12 (b) Activities conducted under this chapter are directed
1-13 toward the following purposes:

1-14 (1) elimination of [~~slums and~~] areas affected by
1-15 blight;

1-16 (2) prevention of blighting influences and of the
1-17 deterioration of property and neighborhood and community
1-18 facilities important to the welfare of the community;

1-19 (3) elimination of conditions detrimental to the
1-20 public health, safety, and welfare;

1-21 (4) expansion and improvement of the quantity and
1-22 quality of community services essential for the development of
1-23 viable urban communities;

1-24 (5) more rational use of land and other natural
1-25 resources;

1-26 (6) improved arrangement of residential, commercial,
1-27 industrial, recreational, and other necessary activity centers;

1-28 (7) restoration and preservation of properties of
1-29 special value for historic, architectural, or aesthetic reasons;

1-30 (8) reduction of the isolation of income groups in
1-31 communities and geographical areas, promotion of increased
1-32 diversity and vitality of neighborhoods through spatial
1-33 deconcentration of housing opportunities for persons of low and
1-34 moderate income, and revitalization of deteriorating or
1-35 deteriorated neighborhoods to attract persons of higher income; and

1-36 (9) alleviation of physical and economic distress
1-37 through the stimulation of private investment and community
1-38 revitalization in [~~slum or~~] blighted areas.

1-39 SECTION 2. Section 373.004, Local Government Code, is
1-40 amended to read as follows:

1-41 Sec. 373.004. GOALS OF PROGRAM. Through a community
1-42 development program, a municipality may conduct work or activities
1-43 designed to:

1-44 (1) improve the living and economic conditions of
1-45 persons of low and moderate income;

1-46 (2) benefit low or moderate income neighborhoods;

1-47 (3) aid in the prevention or elimination of [~~slums
1-48 and~~] blighted areas;

1-49 (4) aid a federally assisted new community; or

1-50 (5) meet other urgent community development needs,
1-51 including an activity or function specified for a community
1-52 development program that incorporates a federally assisted new
1-53 community.

1-54 SECTION 3. Section 373.006, Local Government Code, is
1-55 amended to read as follows:

1-56 Sec. 373.006. REQUIRED PROCEDURES BEFORE ADOPTION OF
1-57 COMMUNITY DEVELOPMENT PROGRAM. Before exercising powers under
1-58 Section 373.005, the governing body of the municipality must:

1-59 (1) identify areas of the municipality in which
1-60 predominantly low and moderate income persons reside and each unit
1-61 of real property in the municipality[7] that has the
1-62 characteristics of blight [are blighted or slum areas] or that is a
1-63 [are] federally assisted new community in the municipality
1-64 [communities];

2-1 (2) establish community development program areas in
2-2 which community development activities, building rehabilitation,
2-3 or the acquisition of privately owned buildings or land is
2-4 proposed;

2-5 (3) adopt, by resolution or ordinance, a plan under
2-6 which citizens may publicly comment on the proposed community
2-7 development program;

2-8 (4) conduct public hearings on the proposed program
2-9 before the 15th day before the date of its final adoption by the
2-10 governing body; and

2-11 (5) adopt the community development program by
2-12 resolution or ordinance.

2-13 SECTION 4. Sections 374.002(a) and (b), Local Government
2-14 Code, are amended to read as follows:

2-15 (a) The legislature finds that [~~slum and~~] blighted areas
2-16 exist in municipalities in this state and that those areas:

2-17 (1) are a serious and growing menace that is injurious
2-18 and inimical to the public health, safety, morals, and welfare of
2-19 the residents of this state;

2-20 (2) contribute substantially and increasingly to the
2-21 spread of disease and crime, requiring excessive and
2-22 disproportionate expenditures of public funds for the preservation
2-23 of the public health and safety, and for crime prevention,
2-24 correctional facilities, prosecution and punishment, treatment of
2-25 juvenile delinquency, and the maintenance of adequate police, fire,
2-26 and accident protection and other public services and facilities;
2-27 and

2-28 (3) constitute an economic and social liability,
2-29 substantially impair the sound growth of affected municipalities,
2-30 and retard the provision of housing accommodations.

2-31 (b) For these reasons, prevention and elimination of [~~slum
2-32 and~~] blighted areas are matters of state policy and concern that may
2-33 be best addressed by the combined action of private enterprise,
2-34 municipal regulation, and other public action through approved
2-35 urban renewal plans. The legislature further finds that the repair
2-36 and rehabilitation of buildings and other improvements in affected
2-37 areas, public acquisition of real property, demolition of buildings
2-38 and other improvements as necessary to eliminate [~~slum or~~] blight
2-39 conditions or to prevent the spread of those conditions, the
2-40 disposition of property acquired in affected areas and incidental
2-41 to the purposes stated by this subsection, and other public
2-42 assistance to eliminate those conditions are public purposes for
2-43 which public money may be spent and the power of eminent domain
2-44 exercised.

2-45 SECTION 5. Sections 374.003(3), (18), (25), (26), and (28),
2-46 Local Government Code, are amended to read as follows:

2-47 (3) "Blighted area" means a tract or unit of property
2-48 [~~an area~~] that presents four or more of the following conditions for
2-49 at least one year after the date on which notice of the conditions
2-50 is provided to the property owner as required by Section
2-51 374.018(a)(1) or (b):

2-52 (A) the property contains uninhabitable, unsafe,
2-53 or abandoned structures;

2-54 (B) the property has inadequate provisions for
2-55 sanitation;

2-56 (C) there exists on the property an imminent harm
2-57 to life or other property caused by fire, flood, hurricane,
2-58 tornado, earthquake, storm, or other natural catastrophe declared
2-59 to be a disaster under Section 418.014, Government Code, or
2-60 certified as a disaster for federal assistance under Section
2-61 418.021, Government Code;

2-62 (D) the property has been identified by the
2-63 federal Environmental Protection Agency as a superfund site under
2-64 the federal Comprehensive Environmental Response, Compensation,
2-65 and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.) or as
2-66 environmentally contaminated to an extent that the property
2-67 requires remedial investigation or a feasibility study;

2-68 (E) the property has been the location of
2-69 substantiated and repeated illegal activity of which the property

3-1 owner knew or should have known;

3-2 (F) the maintenance of the property is below
 3-3 county or municipal standards;

3-4 (G) the property is abandoned and contains a
 3-5 structure that is not fit for its intended use because the
 3-6 utilities, sewerage, plumbing, or heating or a similar service or
 3-7 facility of the structure has been disconnected, destroyed,
 3-8 removed, or rendered ineffective; or

3-9 (H) the property presents an economic liability
 3-10 to the immediate area because of deteriorating structures or
 3-11 hazardous conditions [is not a slum area, but that, because of
 3-12 deteriorating buildings, structures, or other improvements,
 3-13 defective or inadequate streets, street layout, or accessibility,
 3-14 unsanitary conditions, or other hazardous conditions, adversely
 3-15 affects the public health, safety, morals, or welfare of the
 3-16 municipality and its residents, substantially retards the
 3-17 provision of a sound and healthful housing environment, or results
 3-18 in an economic or social liability to the municipality. The term
 3-19 includes an area certified as a disaster area as provided by Section
 3-20 374.903].

3-21 (18) "Rehabilitation" means the restoration of
 3-22 buildings or other structures to prevent deterioration of an area
 3-23 that is tending to become a blighted area [~~or a slum area~~].

3-24 (25) "Urban renewal activities" includes [~~slum~~
 3-25 ~~clearance,~~] redevelopment, rehabilitation, and conservation
 3-26 activities to prevent further deterioration of an area that is
 3-27 tending to become a blighted [~~or slum~~] area. The term includes:

3-28 (A) the acquisition of all or part of a [~~slum area~~
 3-29 ~~or~~] blighted area or the acquisition of land that is predominantly
 3-30 open and that, because of obsolete platting, diversity of
 3-31 ownership, deterioration of structures or site improvements, or for
 3-32 other reasons, substantially impairs or arrests the sound growth of
 3-33 the community;

3-34 (B) the demolition and removal of buildings and
 3-35 improvements;

3-36 (C) the installation, construction, or
 3-37 reconstruction of streets, utilities, parks, playgrounds, and
 3-38 other improvements necessary to fulfill urban renewal objectives in
 3-39 accordance with an urban renewal plan;

3-40 (D) the disposition by the municipality of
 3-41 property acquired in an urban renewal area for use in accordance
 3-42 with an urban renewal plan, including the sale or initial lease of
 3-43 the property at its fair value or the retention of the property;

3-44 (E) the implementation of plans for a program of
 3-45 voluntary repair and rehabilitation of buildings or improvements in
 3-46 accordance with an urban renewal plan; and

3-47 (F) the acquisition of real property in an urban
 3-48 renewal area as necessary to remove or prevent the spread of blight
 3-49 or deterioration or to provide land for needed public facilities.

3-50 (26) "Urban renewal area" means a [~~slum area,~~
 3-51 ~~blighted area,~~ ~~or a combination of those areas~~] that the governing
 3-52 body of a municipality designates as appropriate for an urban
 3-53 renewal project.

3-54 (28) "Urban renewal project" includes any of the
 3-55 following activities undertaken in accordance with an urban renewal
 3-56 plan:

3-57 (A) municipal activities in an urban renewal area
 3-58 that are designed to eliminate or to prevent the development or
 3-59 spread of [~~slums and~~] blighted areas;

3-60 (B) [~~slum clearance and redevelopment in an urban~~
 3-61 ~~renewal area,~~

3-62 [~~(C)~~] rehabilitation or conservation in an urban
 3-63 renewal area;

3-64 (C) [~~(D)~~] development of open land that, because
 3-65 of location or situation, is necessary for sound community growth
 3-66 and that is to be developed, by replatting and planning, for
 3-67 predominantly residential uses; or

3-68 (D) [~~(E)~~] any combination or part of the
 3-69 activities described by Paragraphs (A)-(C) [~~(D)~~].

4-1 SECTION 6. Section 374.011, Local Government Code, is
 4-2 amended by amending Subsection (a) and adding Subsection (d) to
 4-3 read as follows:

4-4 (a) Except as provided by Section 374.012, a municipality
 4-5 may not exercise a power granted under this chapter unless:

4-6 (1) the governing body of the municipality adopts a
 4-7 resolution that finds that a [~~slum area or~~] blighted area exists in
 4-8 the municipality and that the rehabilitation, the conservation, or
 4-9 the [~~slum clearance and~~] redevelopment of the area is necessary for
 4-10 the public health, safety, morals, or welfare of the residents of
 4-11 the municipality; and

4-12 (2) a majority of the municipality's voters voting in
 4-13 an election held as provided by Subsection (b) favor adoption of the
 4-14 resolution.

4-15 (d) The governing body of the municipality must determine
 4-16 that each unit of real property included in a resolution under
 4-17 Subsection (a) has the characteristics of blight.

4-18 SECTION 7. Section 374.012(c), Local Government Code, is
 4-19 amended to read as follows:

4-20 (c) The resolution ordering the election and the notice of
 4-21 the election must contain:

4-22 (1) a complete legal description of each unit of
 4-23 property [~~the area~~] included in the proposed project;

4-24 (2) a statement of the nature of the proposed project;
 4-25 [~~and~~]

4-26 (3) a statement of the total amount of local funds to
 4-27 be spent on the proposed project; and

4-28 (4) a statement that each unit of property has the
 4-29 characteristics of blight.

4-30 SECTION 8. Section 374.013(a), Local Government Code, is
 4-31 amended to read as follows:

4-32 (a) To further the urban renewal objectives of this chapter,
 4-33 a municipality may formulate a workable program to use appropriate
 4-34 private and public resources, including the resources specified by
 4-35 Subsection (b), to encourage urban rehabilitation, to provide for
 4-36 the redevelopment of [~~slum and~~] blighted areas, or to undertake
 4-37 those activities or other feasible municipal activities as may be
 4-38 suitably employed to achieve the objective of the program. The
 4-39 program must specifically include provisions relating to:

4-40 (1) prevention, through diligent enforcement of
 4-41 housing and occupancy controls and standards, of the expansion of
 4-42 blight into areas of the municipality that are free from blight; and

4-43 (2) rehabilitation or conservation of [~~slum and~~]
 4-44 blighted areas as far as practicable to areas that are free from
 4-45 blight through replanning, removing congestion, providing parks,
 4-46 playgrounds, and other public improvements, encouraging voluntary
 4-47 rehabilitation and requiring the repair and rehabilitation of
 4-48 deteriorated or deteriorating structures [~~, and the clearance and~~
 4-49 ~~redevelopment of slum areas~~].

4-50 SECTION 9. Section 374.014(a), Local Government Code, is
 4-51 amended to read as follows:

4-52 (a) A municipality may not prepare an urban renewal plan for
 4-53 an area unless the governing body of the municipality has, by
 4-54 resolution, declared the area to be a [~~slum area, a~~] blighted area [~~, or both,~~]
 4-55 and has designated the area as appropriate for an urban
 4-56 renewal project. The governing body may not approve an urban
 4-57 renewal plan until a general plan has been prepared for the
 4-58 municipality. A municipality may not acquire real property for an
 4-59 urban renewal project until the governing body has approved the
 4-60 urban renewal plan as provided by Subsection (d).

4-61 SECTION 10. Sections 374.015(a) and (d), Local Government
 4-62 Code, are amended to read as follows:

4-63 (a) A municipality may exercise all powers necessary or
 4-64 convenient to carry out the purposes of this chapter, including the
 4-65 power to:

4-66 (1) conduct preliminary surveys to determine if
 4-67 undertaking an urban renewal project is feasible;

4-68 (2) conduct urban renewal projects within its area of
 4-69 operation;

5-1 (3) execute contracts and other instruments necessary
5-2 or convenient to the exercise of its powers under this chapter;
5-3 (4) provide, arrange, or contract for the furnishing
5-4 or repair by any person of services, privileges, works, streets,
5-5 roads, public utilities, or other facilities in connection with an
5-6 urban renewal project, including installation, construction, and
5-7 reconstruction of streets, utilities, parks, playgrounds, and
5-8 other public improvements necessary to carry out an urban renewal
5-9 project;
5-10 (5) acquire any real property, including
5-11 improvements, and any personal property necessary for
5-12 administrative purposes, that is necessary or incidental to an
5-13 urban renewal project, hold, improve, clear, or prepare the
5-14 property for redevelopment, mortgage or otherwise encumber or
5-15 dispose of the real property, insure or provide for the insurance of
5-16 real or personal property or municipal operations against any risk
5-17 or hazard and to pay premiums on that insurance, and enter any
5-18 necessary contracts;
5-19 (6) invest urban renewal project funds held in
5-20 reserves or sinking funds, or not required for immediate
5-21 disbursement, in property or securities in which banks may legally
5-22 invest funds subject to their control, redeem bonds issued under
5-23 Section 374.026 at the redemption price established in the bond, or
5-24 purchase those bonds at less than the redemption price, and cancel
5-25 the bonds redeemed or purchased;
5-26 (7) borrow money and apply for and accept advances,
5-27 loans, grants, contributions, and other forms of financial
5-28 assistance from the federal, state, or county government, other
5-29 public body, or other public or private sources for the purposes of
5-30 this chapter, give any required security, and make and carry out any
5-31 contracts in connection with the financial assistance;
5-32 (8) make plans necessary to carry out this chapter in
5-33 its area of operation, contract with any person in making and
5-34 carrying out the plans, and adopt, approve, modify or amend the
5-35 plans;
5-36 (9) develop, test, and report methods and techniques
5-37 for the prevention of ~~[slums and]~~ urban blight, conduct
5-38 demonstrations and other activities in connection with those
5-39 methods and techniques, and apply for, accept, and use federal
5-40 grants made for those purposes;
5-41 (10) prepare plans and provide reasonable assistance
5-42 for the relocation of persons displaced from an urban renewal
5-43 project area, including families, business concerns, and others, as
5-44 necessary to acquire possession and to clear the area in order to
5-45 conduct the urban renewal project;
5-46 (11) appropriate funds and make expenditures as
5-47 necessary to implement this chapter and, subject to Subsection (c),
5-48 levy taxes and assessments for that purpose;
5-49 (12) close, vacate, plan, or replan streets, roads,
5-50 sidewalks, ways, or other places, plan, replan, zone, or rezone any
5-51 part of the municipality and make exceptions from building
5-52 regulations, and enter agreements with an urban renewal agency
5-53 vested with urban renewal powers under Subchapter C, which may
5-54 extend over any period, restricting action to be taken by the
5-55 municipality under any of the powers granted under this chapter;
5-56 (13) organize, coordinate, and direct the
5-57 administration of this chapter within the area of operation as
5-58 those provisions apply to the municipality to most effectively
5-59 promote and achieve the purposes of this chapter and establish new
5-60 municipal offices or reorganize existing offices as necessary to
5-61 most effectively implement those purposes; and
5-62 (14) issue tax increment bonds.
5-63 (d) A ~~[Except as provided by Section 374.016, a]~~
5-64 municipality may acquire by condemnation any interest in real
5-65 property, including a fee simple interest, that the municipality
5-66 considers necessary for or in connection with an urban renewal
5-67 project. Property dedicated to a public use may be acquired in that
5-68 manner, except that property belonging to the state or to a
5-69 political subdivision of the state may not be acquired without the

6-1 consent of the state or political subdivision.

6-2 SECTION 11. Section 374.017(d), Local Government Code, is
6-3 amended to read as follows:

6-4 (d) Real property or an interest in real property subject to
6-5 this section may only be sold, leased, or otherwise transferred or
6-6 retained at not less than the fair value of the property for uses in
6-7 accordance with the urban renewal plan. In determining the fair
6-8 value, the municipality shall consider:

- 6-9 (1) the uses provided in the urban renewal plan;
- 6-10 (2) any restrictions on and any covenants, conditions,
6-11 and obligations assumed by the purchaser, lessee, or municipality
6-12 in retaining the property;
- 6-13 (3) the objectives of the plan for the prevention of
6-14 the recurrence of [~~slums or~~] blighted areas; and
- 6-15 (4) any other matters that the municipality specifies
6-16 as appropriate.

6-17 SECTION 12. Section 374.021(b), Local Government Code, is
6-18 amended to read as follows:

6-19 (b) In this section, "urban renewal project powers"
6-20 includes the rights, powers, functions, and duties of a
6-21 municipality under this chapter. The term does not include the
6-22 power to:

- 6-23 (1) determine an area as a [~~slum area,~~] blighted
6-24 area[~~, or both~~] and to designate that area as appropriate for an
6-25 urban renewal project;
- 6-26 (2) approve and amend urban renewal plans and hold
6-27 public hearings relating to those plans;
- 6-28 (3) establish a general plan for the locality as a
6-29 whole;
- 6-30 (4) establish a workable program under Section
6-31 374.013;
- 6-32 (5) make determinations and findings under Section
6-33 374.011(a), 374.013(b), or 374.014(d);
- 6-34 (6) issue general obligation bonds; and
- 6-35 (7) appropriate funds, levy taxes and assessments, and
6-36 exercise other functions under Subdivisions (11) and (12) of
6-37 Section 374.015(a).

6-38 SECTION 13. Subchapter B, Chapter 374, Local Government
6-39 Code, is amended by adding Sections 374.018 and 374.019 to read as
6-40 follows:

6-41 Sec. 374.018. LIMITATIONS ON CHARACTERIZATIONS OF BLIGHT.

6-42 (a) Notwithstanding any other law, an area may not be considered a
6-43 blighted area on the basis of a condition described by Section
6-44 374.003 unless:

6-45 (1) the municipality has given notice in writing to
6-46 the property owner by first class mail regarding the condition to
6-47 the:

- 6-48 (A) last known address of the property owner; and
- 6-49 (B) physical address of the property; and

6-50 (2) the property owner fails to take reasonable
6-51 measures to remedy the condition.

6-52 (b) If a mailing address for the property owner cannot be
6-53 determined, the municipality shall post notice in writing regarding
6-54 the condition in a conspicuous place on the property.

6-55 (c) An area may not be considered a blighted area solely for
6-56 an aesthetic reason.

6-57 (d) A determination by a municipality that a unit of real
6-58 property has the characteristics of blight is valid for two years.

6-59 (e) After the two-year period prescribed by Subsection (d),
6-60 a municipality may make a new determination that the unit of real
6-61 property has the characteristics of blight and redesignate the unit
6-62 of real property as a blighted area for another two-year period.

6-63 (f) A municipality may remove a determination of blight
6-64 under this chapter if the municipality finds that the property
6-65 owner has remedied the condition that was the basis for the
6-66 determination.

6-67 Sec. 374.019. COMMON OWNER PROPERTY. For the purposes of
6-68 this chapter and Chapter 21, Property Code, if a municipality
6-69 determines that two or more contiguous units of real property that

7-1 are owned by the same person have the characteristics of blight, the
 7-2 municipality may treat those units of property as one unit of
 7-3 property.

7-4 SECTION 14. Section 2206.001(b), Government Code, is
 7-5 amended to read as follows:

7-6 (b) A governmental or private entity may not take private
 7-7 property through the use of eminent domain if the taking:

7-8 (1) confers a private benefit on a particular private
 7-9 party through the use of the property;

7-10 (2) is for a public use that is merely a pretext to
 7-11 confer a private benefit on a particular private party; or

7-12 (3) is for economic development purposes, unless the
 7-13 economic development results [~~is a secondary purpose resulting~~]
 7-14 from municipal community development or municipal urban renewal
 7-15 activities to eliminate an existing affirmative harm on society
 7-16 from [~~slum or~~] blighted areas under:

7-17 (A) Chapter 373 or 374, Local Government Code,
 7-18 other than an activity described by Section 373.002(b)(5), Local
 7-19 Government Code; or

7-20 (B) Section 311.005(a)(1)(I), Tax Code.

7-21 SECTION 15. Section 21.041, Property Code, is amended to
 7-22 read as follows:

7-23 Sec. 21.041. EVIDENCE. As the basis for assessing actual
 7-24 damages to a property owner from a condemnation, the special
 7-25 commissioners shall admit evidence on:

7-26 (1) the value of the property being condemned;

7-27 (2) the injury to the property owner, including the
 7-28 financial damages associated with the cost of relocating from the
 7-29 condemned property, if the property was habitable, to another
 7-30 property that allows the property owner to have a standard of living
 7-31 comparable to the property owner's standard of living before the
 7-32 condemnation of the property;

7-33 (3) the benefit to the property owner's remaining
 7-34 property; and

7-35 (4) the use of the property for the purpose of the
 7-36 condemnation.

7-37 SECTION 16. Section 21.042(d), Property Code, is amended to
 7-38 read as follows:

7-39 (d) In estimating injury or benefit under Subsection (c),
 7-40 the special commissioners shall consider an injury or benefit that
 7-41 is peculiar to the property owner, including the property owner's
 7-42 financial damages described by Section 21.041(2), and that relates
 7-43 to the property owner's ownership, use, or enjoyment of the
 7-44 particular parcel of real property, but they may not consider an
 7-45 injury or benefit that the property owner experiences in common
 7-46 with the general community.

7-47 SECTION 17. Sections 21.046(a) and (b), Property Code, are
 7-48 amended to read as follows:

7-49 (a) A department, agency, instrumentality, or political
 7-50 subdivision of this state shall [~~may~~] provide a relocation advisory
 7-51 service for an individual, a family, a business concern, a farming
 7-52 or ranching operation, or a nonprofit organization that [~~if the~~
 7-53 ~~service~~] is compatible with the Federal Uniform Relocation
 7-54 Assistance Advisory Program, 23 U.S.C.A. 501, et seq.

7-55 (b) This state or a political subdivision of this state
 7-56 shall [~~may~~], as a cost of acquiring real property, pay moving
 7-57 expenses and rental supplements, make relocation payments, provide
 7-58 financial assistance to acquire replacement housing, and
 7-59 compensate for expenses incidental to the transfer of the property
 7-60 if an individual, a family, the personal property of a business, a
 7-61 farming or ranching operation, or a nonprofit organization is
 7-62 displaced in connection with the acquisition.

7-63 SECTION 18. The following provisions of the Local
 7-64 Government Code are repealed:

7-65 (1) Section 374.003(19); and

7-66 (2) Section 374.016.

7-67 SECTION 19. This Act takes effect immediately if it
 7-68 receives a vote of two-thirds of all the members elected to each
 7-69 house, as provided by Section 39, Article III, Texas Constitution.

8-1 If this Act does not receive the vote necessary for immediate
8-2 effect, this Act takes effect September 1, 2007.

8-3

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