

By: Callegari

H.B. No. 4045

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the Towne Lake Management District;  
3 providing authority to levy an assessment, impose a tax, and issue  
4 bonds.

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

6 SECTION 1. TOWNE LAKE MANAGEMENT DISTRICT. Subtitle C,  
7 Title 4, Special District Local Laws Code, is amended by adding  
8 Chapter 3839 to read as follows:

9 CHAPTER 3839. TOWNE LAKE MANAGEMENT DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 3839.001. DEFINITIONS. In this chapter:

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

14 (2) "District" means the Towne Lake Management  
15 District.

16 Sec. 3839.002. TOWNE LAKE MANAGEMENT DISTRICT. The Towne  
17 Lake Management District is a special district created under  
18 Section 59, Article XVI, Texas Constitution.

19 Sec. 3839.003. PURPOSE; DECLARATION OF INTENT. (a) The  
20 creation of the district is essential to accomplish the purposes of  
21 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
22 Texas Constitution, and other public purposes stated in this  
23 chapter. By creating the district and in authorizing the City of  
24 Houston, Harris County, and other political subdivisions to

1 contract with the district, the legislature has established a  
2 program to accomplish the public purposes set out in Section 52-a,  
3 Article III, Texas Constitution.

4 (b) The creation of the district is necessary to promote,  
5 develop, encourage, and maintain employment, commerce,  
6 transportation, housing, tourism, recreation, the arts,  
7 entertainment, economic development, safety, and the public  
8 welfare in the district territory.

9 (c) This chapter and the creation of the district may not be  
10 interpreted to relieve Harris County from providing the level of  
11 services provided as of the effective date of the Act enacting this  
12 chapter to the area in the district. The district is created to  
13 supplement and not to supplant the county services provided in the  
14 area in the district.

15 Sec. 3839.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
16 The district is created to serve a public use and benefit.

17 (b) All land and other property included in the district  
18 will benefit from the improvements and services to be provided by  
19 the district under powers conferred by Sections 52 and 52-a,  
20 Article III, and Section 59, Article XVI, Texas Constitution, and  
21 other powers granted under this chapter.

22 (c) The creation of the district is in the public interest  
23 and is essential to:

24 (1) further the public purposes of developing and  
25 diversifying the economy of the state;

26 (2) eliminate unemployment and underemployment; and

27 (3) develop or expand transportation and commerce.

1        (d) The district will:

2            (1) promote the health, safety, and general welfare of  
3 residents, employers, potential employees, employees, visitors,  
4 and consumers in the district, and of the public;

5            (2) provide needed funding for the district to  
6 preserve, maintain, and enhance the economic health and vitality of  
7 the district territory as a community and business center; and

8            (3) promote the health, safety, welfare, and enjoyment  
9 of the public by providing pedestrian ways and by landscaping and  
10 developing certain areas in the district, which are necessary for  
11 the restoration, preservation, and enhancement of scenic beauty.

12        (e) Pedestrian ways along or across a street, whether at  
13 grade or above or below the surface, and street lighting, street  
14 landscaping, parking, and street art objects are parts of and  
15 necessary components of a street and are considered to be a street  
16 or road improvement.

17        (f) The district will not act as the agent or  
18 instrumentality of any private interest even though the district  
19 will benefit many private interests as well as the public.

20        Sec. 3839.005. DISTRICT TERRITORY. (a) The district is  
21 composed of the territory described by Section 2 of the Act enacting  
22 this chapter, as that territory may have been modified under:

23            (1) Subchapter J, Chapter 49, Water Code; or

24            (2) other law.

25        (b) The boundaries and field notes of the district contained  
26 in Section 2 of the Act enacting this chapter form a closure. A  
27 mistake in the field notes or in copying the field notes in the

1 legislative process does not in any way affect the district's:

2 (1) organization, existence, or validity;

3 (2) right to issue any type of bond for a purpose for  
4 which the district is created or to pay the principal of and  
5 interest on the bond;

6 (3) right to impose or collect an assessment or tax; or

7 (4) legality or operation.

8 Sec. 3839.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

9 All or any part of the area of the district is eligible to be  
10 included in:

11 (1) a tax increment reinvestment zone created under  
12 Chapter 311, Tax Code;

13 (2) a tax abatement reinvestment zone created under  
14 Chapter 312, Tax Code; or

15 (3) an enterprise zone created under Chapter 2303,  
16 Government Code.

17 Sec. 3839.007. APPLICABILITY OF MUNICIPAL MANAGEMENT  
18 DISTRICTS LAW. Except as otherwise provided by this chapter,  
19 Chapter 375, Local Government Code, applies to the district.

20 Sec. 3839.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
21 chapter shall be liberally construed in conformity with the  
22 findings and purposes stated in this chapter.

23 [Sections 3839.009-3839.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3839.051. GOVERNING BODY; TERMS. (a) The district is  
26 governed by a board of five voting directors who serve staggered  
27 terms of four years, with two or three directors' terms expiring

1 June 1 of each odd-numbered year.

2 (b) The board by resolution may change the number of voting  
3 directors on the board, but only if the board determines that the  
4 change is in the best interest of the district. The board may not  
5 consist of fewer than five or more than 15 voting directors.

6 Sec. 3839.052. APPOINTMENT OF DIRECTORS. The Texas  
7 Commission on Environmental Quality shall appoint voting directors  
8 from persons recommended by the board.

9 Sec. 3839.053. NONVOTING DIRECTORS. The board may appoint  
10 nonvoting directors to serve at the pleasure of the voting  
11 directors.

12 Sec. 3839.054. QUORUM. For purposes of determining the  
13 requirements for a quorum, the following are not counted:

14 (1) a board position vacant for any reason, including  
15 death, resignation, or disqualification;

16 (2) a director who is abstaining from participation in  
17 a vote because of a conflict of interest; or

18 (3) a nonvoting director.

19 Sec. 3839.055. COMPENSATION. Sections 375.069 and 375.070,  
20 Local Government Code, do not apply to the board.

21 Sec. 3839.056. INITIAL VOTING DIRECTORS. (a) The initial  
22 board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>David Templeton</u>
<u>2</u>	<u>William F. Heavin</u>
<u>3</u>	<u>Larry Covert</u>
<u>4</u>	<u>Tom Read</u>

5 Michael C. Shannon

(b) Of the initial voting directors, the terms of directors appointed for positions 1 through 3 expire June 1, 2009, and the terms of directors appointed for positions 4 and 5 expire June 1, 2011.

(c) Section 3839.052 does not apply to this section.

(d) This section expires September 1, 2012.

[Sections 3839.057-3839.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3839.101. INDUSTRIAL DEVELOPMENT CORPORATION POWERS.

The district may exercise the powers given to an industrial development corporation under Section 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), including the power to own, operate, acquire, construct, lease, improve, or maintain a project described by that section.

Sec. 3839.102. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered for purposes of this chapter to be a local government corporation created under Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit

1 corporation shall serve in the same manner as the board of directors  
2 of a local government corporation created under Chapter 431,  
3 Transportation Code, except that a director of the corporation is  
4 not required to reside in the district.

5 Sec. 3839.103. AGREEMENTS; GRANTS. (a) The district may  
6 make an agreement with or accept a gift, grant, or loan from any  
7 person.

8 (b) The implementation of a project is a governmental  
9 function or service for the purposes of Chapter 791, Government  
10 Code.

11 Sec. 3839.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.  
12 To protect the public interest, the district may contract with a  
13 qualified party including Harris County or the City of Houston for  
14 the county or the city to provide law enforcement services in the  
15 district for a fee.

16 Sec. 3839.105. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The  
17 district may join and pay dues to a charitable or nonprofit  
18 organization that performs a service or provides an activity  
19 consistent with the furtherance of a district purpose.

20 Sec. 3839.106. ECONOMIC DEVELOPMENT PROGRAMS. (a) The  
21 district may establish and provide for the administration of one or  
22 more programs to promote state or local economic development and to  
23 stimulate business and commercial activity in the district,  
24 including programs to:

25 (1) make loans and grants of public money; and

26 (2) provide district personnel and services.

27 (b) For purposes of this section, the district has all of

1 the powers of a municipality under Chapter 380, Local Government  
2 Code.

3 Sec. 3839.107. STRATEGIC PARTNERSHIP AGREEMENT. The  
4 district may negotiate and enter into a written strategic  
5 partnership agreement with the City of Houston in the same manner as  
6 a district under Section 43.0751, Local Government Code.

7 Sec. 3839.108. NO EMINENT DOMAIN. The district may not  
8 exercise the power of eminent domain.

9 [Sections 3839.109-3839.150 reserved for expansion]

10 SUBCHAPTER D. FINANCIAL PROVISIONS

11 Sec. 3839.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
12 board by resolution shall establish the number of directors'  
13 signatures and the procedure required for a disbursement or  
14 transfer of the district's money.

15 Sec. 3839.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
16 The district may acquire, construct, finance, operate, or maintain  
17 any improvement or service authorized under this chapter or Chapter  
18 375, Local Government Code, using any money available to the  
19 district.

20 Sec. 3839.153. PETITION REQUIRED FOR FINANCING SERVICES AND  
21 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
22 service or improvement project with assessments under this chapter  
23 unless a written petition requesting that service or improvement  
24 has been filed with the board.

25 (b) A petition filed under Subsection (a) must be signed by:

26 (1) the owners of a majority of the assessed value of  
27 real property in the district subject to assessment according to



1 the most recent certified tax appraisal roll for Harris County; or  
2 (2) at least 50 persons who own real property in the  
3 district, if more than 50 persons own real property in the district  
4 according to the most recent certified tax appraisal roll for  
5 Harris County.

6 Sec. 3839.154. METHOD OF NOTICE FOR HEARING. The district  
7 may mail the notice required by Section 375.115(c), Local  
8 Government Code, by certified or first class United States mail.  
9 The board shall determine the method of notice.

10 Sec. 3839.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
11 The board by resolution may impose and collect an assessment for any  
12 purpose authorized by this chapter in all or any part of the  
13 district.

14 (b) An assessment, a reassessment, or an assessment  
15 resulting from an addition to or correction of the assessment roll  
16 by the district, penalties and interest on an assessment or  
17 reassessment, an expense of collection, and reasonable attorney's  
18 fees incurred by the district:

19 (1) are a first and prior lien against the property  
20 assessed;

21 (2) are superior to any other lien or claim other than  
22 a lien or claim for county, school district, or municipal ad valorem  
23 taxes; and

24 (3) are the personal liability of and a charge against  
25 the owners of the property even if the owners are not named in the  
26 assessment proceedings.

27 (c) The lien is effective from the date of the board's

1 resolution imposing the assessment until the date the assessment is  
2 paid. The board may enforce the lien in the same manner that the  
3 board may enforce an ad valorem tax lien against real property.

4 (d) The board may make a correction to or deletion from the  
5 assessment roll that does not increase the amount of assessment of  
6 any parcel of land without providing notice and holding a hearing in  
7 the manner required for additional assessments.

8 Sec. 3839.156. AD VALOREM TAX. (a) If authorized at an  
9 election held in accordance with Section 3839.160, the district may  
10 impose an annual ad valorem tax on taxable property in the district  
11 for any district purpose, including to:

- 12 (1) maintain and operate the district;
- 13 (2) construct or acquire improvements; or
- 14 (3) provide a service.

15 (b) The board shall determine the tax rate.

16 (c) Section 49.107(h), Water Code, does not apply to the  
17 district.

18 Sec. 3839.157. UTILITY PROPERTY EXEMPT FROM IMPACT FEES OR  
19 ASSESSMENTS. The district may not impose an impact fee or  
20 assessment on the property, including the equipment,  
21 rights-of-way, facilities, or improvements, of:

22 (1) an electric utility or a power generation company  
23 as defined by Section 31.002, Utilities Code;

24 (2) a gas utility as defined by Section 101.003 or  
25 121.001, Utilities Code;

26 (3) a telecommunications provider as defined by  
27 Section 51.002, Utilities Code; or

1           (4) a person who provides to the public cable  
2 television or advanced telecommunications services.

3           Sec. 3839.158. BONDS AND OTHER OBLIGATIONS. (a) The  
4 district may issue by competitive bid or negotiated sale bonds,  
5 notes, or other obligations payable wholly or partly from taxes,  
6 assessments, impact fees, revenue, grants, or other money of the  
7 district, or any combination of those sources of money, to pay for  
8 any authorized purpose of the district.

9           (b) In addition to any other terms authorized by the board  
10 by bond order or resolution, the proceeds of the district's bonds  
11 may be used for a reserve fund, credit enhancement, or capitalized  
12 interest for the bonds.

13           (c) The limitation on the outstanding principal amount of  
14 bonds, notes, and other obligations provided by Section 49.4645,  
15 Water Code, does not apply to the district.

16           Sec. 3839.159. TAXES FOR BONDS AND OTHER OBLIGATIONS. At  
17 the time bonds or other obligations payable wholly or partly from ad  
18 valorem taxes are issued:

19           (1) the board shall impose a continuing direct annual  
20 ad valorem tax, without limit as to rate or amount, for each year  
21 that all or part of the bonds are outstanding; and

22           (2) the district annually shall impose an ad valorem  
23 tax on all taxable property in the district in an amount sufficient  
24 to:

25                   (A) pay the interest on the bonds or other  
26 obligations as the interest becomes due;

27                   (B) create a sinking fund for the payment of the

1 principal of the bonds or other obligations when due or the  
2 redemption price at any earlier required redemption date; and

3 (C) pay the expenses of imposing the taxes.

4 Sec. 3839.160. TAX AND BOND ELECTIONS. (a) The district  
5 shall hold an election in the manner provided by Subchapter L,  
6 Chapter 375, Local Government Code, to obtain voter approval before  
7 the district imposes an ad valorem tax or issues bonds payable from  
8 ad valorem taxes.

9 (b) Section 375.243, Local Government Code, does not apply  
10 to the district.

11 Sec. 3839.161. CITY NOT REQUIRED TO PAY DISTRICT  
12 OBLIGATIONS. Except as provided by Section 375.263, Local  
13 Government Code, the City of Houston is not required to pay a bond,  
14 note, or other obligation of the district.

15 Sec. 3839.162. COMPETITIVE BIDDING. Section 375.221, Local  
16 Government Code, applies to the district only for a contract that  
17 has a value greater than \$50,000.

18 Sec. 3839.163. TAX AND ASSESSMENT ABATEMENTS. The district  
19 may grant in the manner authorized by Chapter 312, Tax Code, an  
20 abatement for a tax or assessment owed to the district.

21 [Sections 3839.164-3839.200 reserved for expansion]

22 SUBCHAPTER E. SALES AND USE TAX

23 Sec. 3839.201. MEANINGS OF WORDS AND PHRASES. Words and  
24 phrases used in this subchapter that are defined by Chapters 151 and  
25 321, Tax Code, have the meanings assigned by Chapters 151 and 321,  
26 Tax Code.

27 Sec. 3839.202. APPLICABILITY OF CERTAIN TAX CODE

1 PROVISIONS. (a) Except as otherwise provided by this subchapter,  
2 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,  
3 apply to taxes imposed under this subchapter and to the  
4 administration and enforcement of those taxes in the same manner  
5 that those laws apply to state taxes.

6 (b) The provisions of Subchapters B, C, and D, Chapter 321,  
7 Tax Code, relating to municipal sales and use taxes apply to the  
8 application, collection, change, and administration of a sales and  
9 use tax imposed under this subchapter to the extent consistent with  
10 this chapter, as if references in Chapter 321, Tax Code, to a  
11 municipality referred to the district and references to a governing  
12 body referred to the board.

13 (c) Sections 321.401-321.406 and 321.506-321.508, Tax Code,  
14 do not apply to a tax imposed under this subchapter.

15 Sec. 3839.203. AUTHORIZATION; ELECTION. (a) The district  
16 may adopt a sales and use tax to serve the purposes of the district  
17 after an election in which a majority of the district voters voting  
18 in the election authorize the adoption of the tax.

19 (b) The board by order may call an election to authorize a  
20 sales and use tax. The election may be held with any other district  
21 election.

22 (c) The district shall provide notice of the election and  
23 shall hold the election in the manner prescribed by Section  
24 3839.160.

25 (d) The ballots shall be printed to provide for voting for  
26 or against the proposition: "Authorization of a sales and use tax  
27 in the Towne Lake Management District at a rate not to exceed \_\_\_\_\_

1 percent."

2 Sec. 3839.204. ABOLISHING SALES AND USE TAX. (a) Except as  
3 provided in Subsection (b), the board may abolish the sales and use  
4 tax without an election.

5 (b) The board may not abolish the sales and use tax if the  
6 district has outstanding debt or obligations secured by the tax.

7 Sec. 3839.205. SALES AND USE TAX RATE. (a) On adoption of  
8 the tax authorized by this subchapter, there is imposed a tax on the  
9 receipts from the sale at retail of taxable items within the  
10 district, and an excise tax on the use, storage, or other  
11 consumption within the district of taxable items purchased, leased,  
12 or rented from a retailer within the district during the period that  
13 the tax is in effect.

14 (b) The board shall determine the rate of the tax, which may  
15 be in increments of one-eighth of one percent and may not exceed the  
16 maximum rate authorized by the voters.

17 (c) The board may reduce the rate of the tax to the extent it  
18 does not impair any outstanding debt or obligations payable from  
19 the tax.

20 (d) The rate of the excise tax is the same as the rate of the  
21 sales tax portion of the tax and is applied to the sales price of the  
22 taxable item.

23 [Sections 3839.206-3839.250 reserved for expansion]

24 SUBCHAPTER F. DISSOLUTION

25 Sec. 3839.251. DISSOLUTION OF DISTRICT WITH OUTSTANDING  
26 DEBT. (a) The board may dissolve the district regardless of  
27 whether the district has debt. Section 375.264, Local Government

1 Code, does not apply to the district.

2 (b) If the district has debt when it is dissolved, the  
3 district shall remain in existence solely for the purpose of  
4 discharging its debts. The dissolution is effective when all debts  
5 have been discharged.

6 SECTION 2. BOUNDARIES. As of the effective date of this  
7 Act, the Towne Lake Management District includes all territory  
8 contained in the following described area:

9 A 59.799-ACRE TRACT OF LAND SITUATED IN THE EVAN THOMAS  
10 SURVEY, ABSTRACT 775, HARRIS COUNTY, TEXAS, SAID 59.799-ACRE TRACT  
11 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS,  
12 (BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH  
13 CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS):

14 COMMENCING at a 3/4-inch iron with cap stamped "C.L.R." found  
15 for the northeast corner of Cy-Fair College as recorded under Film  
16 Code Number 543031 of the Harris County Map Records (H.C.M.R.) and  
17 in the westerly right-of-way line of Barker-Cypress Road  
18 (100-feet-wide) as recorded under Clerk's File Numbers (C.F. Nos.)  
19 M889508 and M922710 of the Official Public Records of Real Property  
20 of Harris County, Texas (O.P.R.O.R.P.), also being in the northerly  
21 line of that certain called 160-foot wide Drainage Easement as  
22 recorded under C.F. No. V782766, O.P.R.O.R.P., and in the southerly  
23 line of that certain called 180-foot-wide Houston Lighting and  
24 Power Company Electric Transmission Easement as recorded under C.F.  
25 No. C274826, O.P.R.O.R.P., from which a 3/4-inch iron pipe bears  
26 South 14°40' East, 0.5 feet;

27 THENCE North 02°48'58" West, with said westerly right-of-way

1 of Barker-Cypress Road, a distance of 255.16 feet to a point of  
2 curvature to the left;

3 THENCE, continuing with the said westerly right-of-way of  
4 Barker-Cypress Road in a northwesterly direction along said curve  
5 to the left, having a radius of 2950.00 feet, a central angle of  
6  $03^{\circ}49'15''$ , an arc length of 196.72 feet, and a chord bearing of North  
7  $04^{\circ}43'36''$  West, a distance of 196.69 feet to a 3/4-inch iron pipe  
8 found for the point of tangency;

9 THENCE North  $06^{\circ}38'13''$  West, continuing with said westerly  
10 right-of-way of Barker-Cypress Road, a distance of 100.00 feet to a  
11 3/4-inch iron pipe found for a point of curvature to the right;

12 THENCE, continuing with the said westerly right-of-way of  
13 Barker-Cypress Road in a northwesterly direction along said curve  
14 to the right, having a radius of 3050.00 feet, a central angle of  
15  $03^{\circ}49'15''$ , an arc length of 203.39 feet, and a chord bearing of North  
16  $04^{\circ}43'35''$  West, a distance of 203.35 feet to a 3/4-inch iron pipe  
17 found for the point of tangency;

18 THENCE North  $02^{\circ}48'58''$  West, continuing with said westerly  
19 right-of-way of Barker-Cypress Road, a distance of 438.86 feet to  
20 the POINT OF BEGINNING of the herein described tract;

21 THENCE South  $89^{\circ}12'34''$  West a distance of 1139.55 feet to a point for  
22 corner;

23 THENCE North  $40^{\circ}38'18''$  West a distance of 270.36 feet to a  
24 point for corner;

25 THENCE North a distance of 1037.29 feet to a point for corner;

26 THENCE North  $26^{\circ}46'14''$  East a distance of 104.38 feet to a  
27 point for corner;



1           THENCE North 26°49'32" East a distance of 49.85 feet to a  
2 point for corner;

3           THENCE North 20°35'48" East a distance of 77.03 feet to a  
4 point of curvature to the left;

5           THENCE in a northeasterly direction along said curve to the  
6 left, having a radius of 900.00 feet, a central angle of 32°18'20",  
7 an arc length of 507.46 feet, and a chord bearing of North 04°26'38"  
8 East, a distance of 500.76 feet to the point of tangency;

9           THENCE North 11°42'32" West a distance of 187.14 feet to a  
10 point for corner;

11          THENCE North 78°17'28" East a distance of 230.07 feet to a  
12 point for corner;

13          THENCE South 52°35'28" East a distance of 295.90 feet to a  
14 point for corner;

15          THENCE North 37°24'32" East a distance of 257.44 feet to a  
16 point of curvature to the right;

17          THENCE in a northeasterly direction along said curve to the  
18 right, having a radius of 25.00 feet, a central angle of 49°46'30",  
19 an arc length of 21.72 feet, and a chord bearing of North 62°17'47"  
20 East, a distance of 21.04 feet to the point of tangency;

21          THENCE North 87°11'02" East a distance of 473.95 feet to a  
22 point for corner, being in the said westerly right-of-way of  
23 Barker-Cypress Road;

24          THENCE South 02°48'58" East, with the said westerly  
25 right-of-way of Barker-Cypress Road, a distance of 2226.18 feet to  
26 the POINT OF BEGINNING and containing 59.799 acres of land.

27          SECTION 3. LEGISLATIVE FINDINGS. The legislature finds

1 that:

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

10 (2) the Texas Commission on Environmental Quality has  
11 filed its recommendations relating to this Act with the governor,  
12 lieutenant governor, and speaker of the house of representatives  
13 within the required time;

14 (3) the general law relating to consent by political  
15 subdivisions to the creation of districts with conservation,  
16 reclamation, and road powers and the inclusion of land in those  
17 districts has been complied with; and

18 (4) 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. EFFECTIVE DATE. This Act takes effect  
23 immediately if it receives a vote of two-thirds of all the members  
24 elected to each house, as provided by Section 39, Article III, Texas  
25 Constitution. If this Act does not receive the vote necessary for  
26 immediate effect, this Act takes effect September 1, 2007.