

By: Zaffirini

S.B. No. 2253

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of certain municipalities and counties to
3 regulate subdivisions near an international border.

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

5 SECTION 1. Section 212.012, Local Government Code, is
6 amended by amending Subsections (a), (c), (d), (e), (f), (h), and
7 (i) and adding Subsections (j) and (k) to read as follows:

8 (a) Except as provided by Subsection (c), (d), or (j), an
9 entity described by Subsection (b) may not serve or connect any land
10 with water, sewer, electricity, gas, or other utility service
11 unless the entity has been presented with or otherwise holds a
12 certificate applicable to the land issued under Section 212.0115.

13 (c) An entity described by Subsection (b) may serve or
14 connect land with water, sewer, electricity, gas, or other utility
15 service regardless of whether the entity is presented with or
16 otherwise holds a certificate applicable to the land issued under
17 Section 212.0115 if:

18 (1) the land is covered by a development plat approved
19 under Subchapter B or under an ordinance or rule relating to the
20 development plat;

21 (2) the land was first served or connected with
22 service by an entity described by Subsection (b)(1), (b)(2), or
23 (b)(3) before September 1, 1987; or

24 (3) the land was first served or connected with

1 service by an entity described by Subsection (b)(4), (b)(5), or
2 (b)(6) before September 1, 1989~~;~~ ~~or~~

3 ~~[(4) the municipal authority responsible for~~
4 ~~approving plats issues a certificate stating that:~~

5 ~~[(A) the land:~~

6 ~~[(i) was sold or conveyed to the person~~
7 ~~requesting service by any means of conveyance, including a contract~~
8 ~~for deed or executory contract, before:~~

9 ~~[(a) September 1, 1995, in a county~~
10 ~~defined under Section 232.022(a)(1); or~~

11 ~~[(b) September 1, 2005, in a county~~
12 ~~defined under Section 232.022(a)(2);~~

13 ~~[(ii) is located in a subdivision in which~~
14 ~~the entity has previously provided service;~~

15 ~~[(iii) is located outside the limits of the~~
16 ~~municipality;~~

17 ~~[(iv) is located in a county to which~~
18 ~~Subchapter B, Chapter 232, applies; and~~

19 ~~[(v) is the site of construction of a~~
20 ~~residence, evidenced by at least the existence of a completed~~
21 ~~foundation, that was begun on or before:~~

22 ~~[(a) May 1, 1997, in a county defined~~
23 ~~under Section 232.022(a)(1); or~~

24 ~~[(b) September 1, 2005, in a county~~
25 ~~defined under Section 232.022(a)(2); or~~

26 ~~[(B) the land was not subdivided after September~~
27 ~~1, 1995, in a county defined under Section 232.022(a)(1); or~~

1 ~~September 1, 2005, in a county defined under Section 232.022(a)(2),~~
2 ~~and:~~

3 ~~[(i) water service is available within 750~~
4 ~~feet of the subdivided land; or~~

5 ~~[(ii) water service is available more than~~
6 ~~750 feet from the subdivided land and the extension of water service~~
7 ~~to the land may be feasible, subject to a final determination by the~~
8 ~~water service provider].~~

9 (d) In a county to which Subchapter B, Chapter 232, applies,
10 an entity described by Subsection (b) may serve or connect land with
11 water, sewer, electricity, gas, or other utility service that is
12 located in the extraterritorial jurisdiction of a municipality
13 regardless of whether the entity is presented with or otherwise
14 holds a certificate applicable to the land issued under Section
15 212.0115, if the municipal authority responsible for approving
16 plats issues a certificate stating that:

17 (1) the subdivided land:

18 (A) was sold or conveyed by a subdivider or
19 developer by any means of conveyance, including a contract for deed
20 or executory contract, before:

21 (i) September 1, 1995, in a county defined
22 under Section 232.022(a)(1);

23 (ii) September 1, 1999, in a county defined
24 under Section 232.022(a)(1) if, on August 31, 1999, the subdivided
25 land was located in the extraterritorial jurisdiction of a
26 municipality as determined by Chapter 42; or

27 (iii) September 1, 2005, in a county

1 defined under Section 232.022(a)(2);

2 (B) has not been subdivided after September 1,
3 1995, September 1, 1999, or September 1, 2005, as applicable under
4 Paragraph (A);

5 (C) is the site of construction of a residence,
6 evidenced by at least the existence of a completed foundation, that
7 was begun on or before:

8 (i) May 1, 2003, in a county defined under
9 Section 232.022(a)(1); or

10 (ii) September 1, 2005, in a county defined
11 under Section 232.022(a)(2); and

12 (D) has had adequate sewer services installed to
13 service the lot or dwelling;

14 (2) the subdivided land is a lot of record as defined
15 by Section 232.021(6-a) that is located in a county defined by
16 Section 232.022(a)(1) and has adequate sewer services installed
17 that are fully operable to service the lot or dwelling; or

18 (3) the land was not subdivided after September 1,
19 1995, in a county defined under Section 232.022(a)(1), or September
20 1, 2005, in a county defined under Section 232.022(a)(2), and:

21 (A) water service is available within 750 feet of
22 the subdivided land; or

23 (B) water service is available more than 750 feet
24 from the subdivided land and the extension of water service to the
25 land may be feasible, subject to a final determination by the water
26 service provider.

27 (e) An entity described by Subsection (b) may provide

1 utility service to land described by Subsection (d) [~~Subsection~~
2 ~~(c)(4)(A)~~] only if the person requesting service:

3 (1) is not the land's subdivider or developer or the
4 subdivider's or developer's agent; and

5 (2) provides to the entity a certificate described by
6 Subsection (d) [~~(c)(4)(A)~~].

7 (f) [~~(e)~~] A person requesting service may obtain a
8 certificate under Subsection (d) [~~Subsection (c)(4)(A)~~] only if the
9 person is the owner or purchaser of the subdivided land and provides
10 to the municipal authority responsible for approving plats
11 documentation containing [~~either~~]:

12 (1) a copy of the means of conveyance or other
13 documents that show that the land was sold or conveyed by a
14 subdivider or developer [~~to the person requesting service~~] before
15 September 1, 1995, before September 1, 1999, or before September 1,
16 2005, as applicable under Subsection (d) [~~, and a notarized~~
17 ~~affidavit by that person that states that construction of a~~
18 ~~residence on the land, evidenced by at least the existence of a~~
19 ~~completed foundation, was begun on or before May 1, 1997, or on or~~
20 ~~before September 1, 2005, as applicable~~]; [~~or~~]

21 (2) for a certificate issued under Subsection (d)(1),
22 a notarized affidavit by the person requesting service that states
23 that [~~the property was sold or conveyed to that person before~~
24 ~~September 1, 1995, or before September 1, 2005, as applicable, and~~
25 ~~that~~] construction of a residence on the land, evidenced by at least
26 the existence of a completed foundation, was begun on or before May
27 1, 2003, in a county defined by Section 232.022(a)(1) or September

1 1, 2005, in a county defined by Section 232.022(a)(2), and the
2 request for utility connection or service is to connect or serve a
3 residence described by Subsection (d)(1)(C);

4 (3) a notarized affidavit by the person requesting
5 service that states that the subdivided land has not been further
6 subdivided after September 1, 1995, September 1, 1999, or September
7 1, 2005, as applicable under Subsection (d); and

8 (4) evidence that adequate sewer service or facilities
9 have been installed and are fully operable to service the lot or
10 dwelling from an entity described by Subsection (b) or the
11 authorized agent responsible for the licensing or permitting of
12 on-site sewage facilities under Chapter 366, Health and Safety Code
13 [May 1, 1997, or on or before September 1, 2005, as applicable].

14 ~~[(f) A person requesting service may obtain a certificate~~
15 ~~under Subsection (c)(4)(B) only if the person provides to the~~
16 ~~municipal authority responsible for approving plats an affidavit~~
17 ~~that states that the property was not sold or conveyed to that~~
18 ~~person from a subdivider or the subdivider's agent after September~~
19 ~~1, 1995, or after September 1, 2005, as applicable.]~~

20 (h) This section may not be construed to abrogate any civil
21 or criminal proceeding or prosecution or to waive any penalty
22 against a subdivider or developer for a violation of a state or
23 local law, regardless of the date on which the violation occurred.

24 (i) In this section:

25 (1) "Developer" has the meaning assigned by Section
26 232.021.

27 (2) "Foundation" means the lowest division of a

1 residence, usually consisting of a masonry slab or a pier and beam
2 structure, that is partly or wholly below the surface of the ground
3 and on which the residential structure rests.

4 (3) [~~(2)~~] "Subdivider" has the meaning assigned by
5 Section 232.021.

6 (j) Except as provided by Subsection (k), this section does
7 not prohibit a water or sewer utility from providing in a county
8 defined by Section 232.022(a)(1) water or sewer utility connection
9 or service to a residential dwelling that:

10 (1) is provided water or wastewater facilities under
11 or in conjunction with a federal or state funding program designed
12 to address inadequate water or wastewater facilities in colonias or
13 to residential lots located in a county described by Section
14 232.022(a)(1);

15 (2) is an existing dwelling identified as an eligible
16 recipient for funding by the funding agency providing adequate
17 water and wastewater facilities or improvements;

18 (3) when connected, will comply with the minimum state
19 standards for both water and sewer facilities and as prescribed by
20 the model subdivision rules adopted under Section 16.343, Water
21 Code; and

22 (4) is located in a project for which each political
23 subdivision with jurisdiction over the project or the approval of
24 plats within the project area has approved the improvement project
25 by order, resolution, or interlocal agreement under Chapter 791,
26 Government Code.

27 (k) A utility may not serve any subdivided land with water

1 utility connection or service under Subsection (j) unless the
2 entity receives a determination that adequate sewer services have
3 been installed to service the lot or dwelling from the municipal
4 authority responsible for approving plats, an entity described by
5 Subsection (b), or the authorized agent responsible for the
6 licensing or permitting of on-site sewage facilities under Chapter
7 366, Health and Safety Code.

8 SECTION 2. Section 232.021, Local Government Code, is
9 amended by amending Subdivision (2) and adding Subdivisions (2-a),
10 (2-b), and (6-a) to read as follows:

11 (2) "Common promotional plan" means any plan or scheme
12 of operation undertaken by a single subdivider or developer or a
13 group of subdividers or developers acting in concert, either
14 personally or through an agent, to offer for sale or lease lots when
15 the land is:

16 (A) contiguous or part of the same area of land;
17 or

18 (B) known, designated, or advertised as a common
19 unit or by a common name.

20 (2-a) "Develop" means a structural improvement or
21 man-made change to a lot intended for residential use undertaken to
22 improve, enhance, or otherwise make suitable real property for
23 purposes of sale, resale, or lease.

24 (2-b) "Developer" means a person who owns any interest
25 in real property and directly or indirectly develops real property
26 in the ordinary course of business or as part of a common
27 promotional plan.

1 (6-a) "Lot of record" means:

2 (A) a lot, the boundaries of which were
3 established by a plat recorded in the office of the county clerk
4 before September 1, 1989, that has not been subdivided after
5 September 1, 1989; or

6 (B) a lot, the boundaries of which were
7 established by a metes and bounds description in a deed of
8 conveyance, a contract of sale, or other executory contract to
9 convey real property that has been legally executed and recorded in
10 the office of the county clerk before September 1, 1989, that has
11 not been subdivided after September 1, 1989.

12 SECTION 3. Section 232.024(b), Local Government Code, is
13 amended to read as follows:

14 (b) If any part of a plat applies to land intended for
15 residential housing and any part of that land lies in a floodplain,
16 the commissioners court shall not approve the plat unless:

17 (1) the subdivision is developed in compliance with
18 the minimum requirements of the National Flood Insurance Program
19 and local regulations or orders adopted under Section 16.315, Water
20 Code; and

21 (2) the plat evidences a restrictive covenant
22 prohibiting [as required by this subsection. The restrictive
23 covenant shall prohibit] the construction of residential housing in
24 any area of the subdivision that is in a floodplain unless the
25 housing is developed in compliance with the minimum requirements of
26 [qualifies for insurance under] the National Flood Insurance
27 Program and local regulations or orders adopted under Section

1 16.315, Water Code [~~Act of 1968 (42 U.S.C. Sections 4001 through~~
2 ~~4127)~~].

3 SECTION 4. Section 232.028(b), Local Government Code, is
4 amended to read as follows:

5 (b) On the commissioners court's own motion or on the
6 written request of a subdivider, an owner or resident of a lot in a
7 subdivision, or an entity that provides a utility service, the
8 commissioners court shall make the following determinations
9 regarding the land in which the entity or commissioners court is
10 interested that is located within the jurisdiction of the county:

11 (1) whether a plat has been prepared and whether it has
12 been reviewed and approved by the commissioners court;

13 (2) whether water service facilities have been
14 constructed or installed to service the lot or subdivision under
15 Section 232.023 and are fully operable;

16 (3) whether sewer service facilities have been
17 constructed or installed to service the lot or subdivision under
18 Section 232.023 and are fully operable, or if septic systems are
19 used, whether the lot is served by a permitted on-site sewage
20 facility or lots in the subdivision can be adequately and legally
21 served by septic systems under Section 232.023; and

22 (4) whether electrical and gas facilities, if
23 available, have been constructed or installed to service the lot or
24 subdivision under Section 232.023.

25 SECTION 5. Section 232.029, Local Government Code, is
26 amended by amending Subsections (b), (c), (d), (e), and (i) and
27 adding Subsections (n) and (o) to read as follows:

1 (b) Except as provided by Subsections (c) and (k) or Section
2 232.037(c), a utility may not serve or connect any subdivided land
3 with electricity or gas unless the entity receives a determination
4 from the county commissioners court under Sections 232.028(b)(2)
5 and (3) [~~Section 232.028(b)(2)~~] that adequate water and sewer
6 services have been installed to service the lot or subdivision.

7 (c) An electric, gas, water, or sewer service utility may
8 serve or connect subdivided land with water, sewer, electricity,
9 gas, or other utility service regardless of whether the utility
10 receives a certificate issued by the commissioners court under
11 Section 232.028(a) or receives a determination from the
12 commissioners court under Section 232.028(b) if the utility is
13 provided with a certificate issued by the commissioners court that
14 states that:

15 (1) the subdivided land:

16 (A) was sold or conveyed by a subdivider or
17 developer [~~to the person requesting service~~] by any means of
18 conveyance, including a contract for deed or executory contract:

19 (i) before September 1, 1995; or

20 (ii) before September 1, 1999, if the
21 subdivided land on August 31, 1999, was located in the
22 extraterritorial jurisdiction of a municipality as determined by
23 Chapter 42;

24 (B) has not been subdivided after September 1,
25 1995, or September 1, 1999, as applicable under Paragraph (A) [~~is~~
26 ~~located in a subdivision in which the utility has previously~~
27 ~~provided service~~]; [~~and~~]

1 (C) is the site of construction of a residence,
2 evidenced by at least the existence of a completed foundation, that
3 was begun[+]

4 [~~(i)~~ on or before May 1, 1997; or

5 [~~(ii)~~] on or before May 1, 2003; and

6 (D) has had adequate sewer services installed to
7 service the lot or dwelling;

8 (2) the subdivided land is a lot of record and has
9 adequate sewer services installed that are fully operable to
10 service the lot or dwelling[, ~~if the subdivided land on August 31,~~
11 ~~1999, was located in the extraterritorial jurisdiction of a~~
12 ~~municipality as determined by Chapter 42]; or~~

13 (3) [~~(2)~~] the land was not subdivided after September
14 1, 1995, and:

15 (A) water service is available within 750 feet of
16 the subdivided land; or

17 (B) water service is available more than 750 feet
18 from the subdivided land and the extension of water service to the
19 land may be feasible, subject to a final determination by the water
20 service provider.

21 (d) A utility may provide utility service to subdivided land
22 described by Subsection (c) [~~(c)(1)~~] only if the person requesting
23 service:

24 (1) is not the land's subdivider or developer or the
25 subdivider's or developer's agent; and

26 (2) provides to the utility a certificate described by
27 Subsection (c) [~~(c)(1)~~].

1 (e) A person requesting service may obtain a certificate
2 under Subsection (c) [~~(e)(1)~~] only if the person is the owner or
3 purchaser of the subdivided land and provides to the commissioners
4 court documentation containing [~~either~~]:

5 (1) [~~documentation containing:~~

6 [~~(A)~~] a copy of the means of conveyance or other
7 documents that show that the land was sold or conveyed by a
8 subdivider or developer before September 1, 1995, or before
9 September 1, 1999, as applicable under Subsection (c);

10 (2) [~~to the person requesting service:~~

11 [~~(i) before September 1, 1995, or~~

12 [~~(ii) before September 1, 1999, if the~~
13 ~~subdivided land on August 31, 1999, was located in the~~
14 ~~extraterritorial jurisdiction of a municipality as determined by~~
15 ~~Chapter 42, and~~

16 [~~(B)~~] a notarized affidavit by that person
17 requesting service under Subsection (c)(1) that states that
18 construction of a residence on the land, evidenced by at least the
19 existence of a completed foundation, was begun[+]

20 [~~(i) on or before May 1, 1997, or~~

21 [~~(ii)] on or before May 1, 2003, and the
22 request for utility connection or service is to connect or serve a
23 residence described by Subsection (c)(1)(C);~~

24 (3) [~~, if the subdivided land on August 31, 1999, was~~
25 ~~located in the extraterritorial jurisdiction of a municipality as~~
26 ~~determined by Chapter 42, or~~

27 [~~(2)] a notarized affidavit by the person requesting~~

1 service that states that the subdivided land has not been further
2 subdivided after [+

3 [~~(A) the property was sold or conveyed to that~~
4 ~~person.~~

5 [~~(i) before~~] September 1, 1995, + [del+] or

6 [~~(ii) before~~] September 1, 1999, as
7 applicable under Subsection (c); and

8 (4) evidence that adequate sewer service or facilities
9 have been installed and are fully operable to service the lot or
10 dwelling from an entity described by Section 232.021(14) or the
11 authorized agent responsible for the licensing or permitting of
12 on-site sewage facilities under Chapter 366, Health and Safety Code
13 [~~if the subdivided land on August 31, 1999, was located in the~~
14 ~~extraterritorial jurisdiction of a municipality as determined by~~
15 ~~Chapter 42; and~~

16 [~~(B) construction of a residence on the land,~~
17 ~~evidenced by at least the existence of a completed foundation, was~~
18 ~~begun.~~

19 [~~(i) on or before May 1, 1997; or~~

20 [~~(ii) on or before May 1, 2003, if the~~
21 ~~subdivided land on August 31, 1999, was located in the~~
22 ~~extraterritorial jurisdiction of a municipality as determined by~~
23 ~~Chapter 42].~~

24 (i) The prohibition established by this section shall not
25 prohibit a water, sewer, [~~an~~] electric, or gas utility from
26 providing water, sewer, electric, or gas utility connection or
27 service to a lot [~~being~~] sold, conveyed, or purchased through a

1 contract for deed or executory contract or other device by a
2 subdivider or developer prior to July 1, 1995, or September 1, 1999,
3 if on August 31, 1999, the subdivided land was located in the
4 extraterritorial jurisdiction of a municipality that has adequate
5 sewer services installed that are fully operable to service the lot
6 ~~[which is located within a subdivision where the utility has~~
7 ~~previously established service]~~ and was subdivided by a plat
8 approved prior to September 1, 1989.

9 (n) Except as provided by Subsection (o), this section does
10 not prohibit a water or sewer utility from providing water or sewer
11 utility connection or service to a residential dwelling that:

12 (1) is provided water or wastewater facilities under
13 or in conjunction with a federal or state funding program designed
14 to address inadequate water or wastewater facilities in colonias or
15 to residential lots located in a county described by Section
16 232.022(a)(1);

17 (2) is an existing dwelling identified as an eligible
18 recipient for funding by the funding agency providing adequate
19 water and wastewater facilities or improvements;

20 (3) when connected, will comply with the minimum state
21 standards for both water and sewer facilities and as prescribed by
22 the model subdivision rules adopted under Section 16.343, Water
23 Code; and

24 (4) is located in a project for which each political
25 subdivision with jurisdiction over the project or the approval of
26 plats within the project area has approved the improvement project
27 by order, resolution, or interlocal agreement under Chapter 791,

1 Government Code, if applicable.

2 (o) A utility may not serve any subdivided land with water
3 utility connection or service under Subsection (n) unless the
4 entity receives a determination from the county commissioners court
5 under Section 232.028(b)(3) that adequate sewer services have been
6 installed to service the lot or dwelling.

7 SECTION 6. Sections 232.031(a) and (b), Local Government
8 Code, are amended to read as follows:

9 (a) Except as provided by Subsection (d), a subdivider or
10 developer may not sell or lease land in a subdivision first platted
11 or replatted after July 1, 1995, unless the subdivision plat is
12 approved by the commissioners court in accordance with Section
13 232.024.

14 (b) Not later than the 30th day after the date a lot is sold,
15 a subdivider or developer shall record with the county clerk all
16 sales contracts, including the attached disclosure statement
17 required by Section 232.033, leases, and any other documents that
18 convey an interest in the subdivided land.

19 SECTION 7. Sections 232.035(a) and (b), Local Government
20 Code, are amended to read as follows:

21 (a) A subdivider or developer or an agent of a subdivider or
22 developer may not cause, suffer, allow, or permit a lot to be sold
23 in a subdivision if the subdivision has not been platted as required
24 by this subchapter.

25 (b) Notwithstanding any other remedy at law or equity, a
26 subdivider or developer or an agent of a subdivider or developer may
27 not cause, suffer, allow, or permit any part of a subdivision over

1 which the subdivider or developer or an agent of the subdivider or
2 developer has control, or a right of ingress and egress, to become a
3 public health nuisance as defined by Section 341.011, Health and
4 Safety Code.

5 SECTION 8. Section 232.036(a), Local Government Code, is
6 amended to read as follows:

7 (a) A subdivider or developer commits an offense if the
8 subdivider or developer knowingly fails to file a plat or replat
9 required by this subchapter. An offense under this subsection is a
10 Class A misdemeanor.

11 SECTION 9. Section 232.038(a), Local Government Code, is
12 amended to read as follows:

13 (a) Except as provided by Subsection (b), a person who has
14 purchased or is purchasing a lot after July 1, 1995, in a
15 subdivision for residential purposes that does not have water and
16 sewer services as required by this subchapter and is located in an
17 economically distressed area, as defined by Section 17.921, Water
18 Code, from a subdivider or developer, may bring suit in the district
19 court in which the property is located or in a district court in
20 Travis County to:

21 (1) declare the sale of the property void, require the
22 subdivider or developer to return the purchase price of the
23 property, and recover from the subdivider or developer:

24 (A) the market value of any permanent
25 improvements the person placed on the property;

26 (B) actual expenses incurred as a direct result
27 of the failure to provide adequate water and sewer facilities;

1 (C) court costs; and

2 (D) reasonable attorney's fees; or

3 (2) enjoin a violation or threatened violation of
4 Section 232.032, require the subdivider or developer to plat or
5 replat under Section 232.040, and recover from the subdivider or
6 developer:

7 (A) actual expenses incurred as a direct result
8 of the failure to provide adequate water and sewer facilities;

9 (B) court costs; and

10 (C) reasonable attorney's fees.

11 SECTION 10. Sections 232.040(a), (b), and (c), Local
12 Government Code, are amended to read as follows:

13 (a) A subdivision plat must accurately reflect the
14 subdivision as it develops. If there is any change, either by the
15 intentional act of the subdivider or developer or by the forces of
16 nature, including changes in the size or dimension of lots or the
17 direction or condition of the roads, a plat must be revised in
18 accordance with Section 232.041.

19 (b) Except as provided by Subsection (c), a lot in a
20 subdivision may not be sold if the lot lacks water and sewer
21 services as required by this subchapter unless the lot is platted or
22 replatted as required by this subchapter. A subdivider or
23 developer or agent of a subdivider or developer may not transfer a
24 lot through an executory contract or other similar conveyance to
25 evade the requirements of this subchapter. The prohibition in this
26 subsection includes the sale of a lot:

27 (1) by a subdivider or developer who regains

1 possession of a lot previously exempt under Subsection (c) through
2 the exercise of a remedy described in Section 5.064 [~~Section~~
3 ~~5.061~~], Property Code; or

4 (2) for which it is shown at a proceeding brought in
5 the district court in which the property is located that the sale of
6 a lot otherwise exempt under Subsection (c) was made for the purpose
7 of evading the requirements of this subchapter.

8 (c) Subsection (b) does not apply to [~~if~~] a seller other
9 than a subdivider, developer, or agent of a subdivider or developer
10 [~~resides on the lot~~].

11 SECTION 11. Section 232.029(f), Local Government Code, is
12 repealed.

13 SECTION 12. This Act takes effect immediately if it
14 receives a vote of two-thirds of all the members elected to each
15 house, as provided by Section 39, Article III, Texas Constitution.
16 If this Act does not receive the vote necessary for immediate
17 effect, this Act takes effect September 1, 2009.