

By: Smith of Harris

H.B. No. 886

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8318 to read as follows:

CHAPTER 8318. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 528

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8318.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Harris County Municipal Utility District No. 528.

Sec. 8318.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8318.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8318.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8318.003
2 until each municipality in whose corporate limits or
3 extraterritorial jurisdiction the district is located has
4 consented by ordinance or resolution to the creation of the
5 district and to the inclusion of land in the district.

6 Sec. 8318.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

7 The district is created to serve a public purpose and benefit.

8 (b) The district is created to accomplish the purposes of:

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

11 (2) Section 52, Article III, Texas Constitution, that
12 relate to the construction, acquisition, improvement, operation,
13 or maintenance of macadamized, graveled, or paved roads, or
14 improvements, including storm drainage, in aid of those roads.

15 Sec. 8318.006. INITIAL DISTRICT TERRITORY. (a) The

16 district is initially composed of the territory described by
17 Section 2 of the Act enacting this chapter.

18 (b) The boundaries and field notes contained in Section 2 of
19 the Act enacting this chapter form a closure. A mistake made in the
20 field notes or in copying the field notes in the legislative process
21 does not affect the district's:

22 (1) organization, existence, or validity;

23 (2) right to issue any type of bond for the purposes
24 for which the district is created or to pay the principal of and
25 interest on a bond;

26 (3) right to impose a tax; or

27 (4) legality or operation.

1 [Sections 8318.007-8318.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8318.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8318.052, directors serve
6 staggered four-year terms.

7 Sec. 8318.052. TEMPORARY DIRECTORS. (a) On or after
8 September 1, 2011, the owner or owners of a majority of the assessed
9 value of the real property in the district may submit a petition to
10 the commission requesting that the commission appoint as temporary
11 directors the five persons named in the petition. The commission
12 shall appoint as temporary directors the five persons named in the
13 petition.

14 (b) Temporary directors serve until the earlier of:

15 (1) the date permanent directors are elected under
16 Section 8318.003; or

17 (2) September 1, 2015.

18 (c) If permanent directors have not been elected under
19 Section 8318.003 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

23 (1) the date permanent directors are elected under
24 Section 8318.003; or

25 (2) the fourth anniversary of the date of the
26 appointment or reappointment.

27 (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district
2 may submit a petition to the commission requesting that the
3 commission appoint as successor temporary directors the five
4 persons named in the petition. The commission shall appoint as
5 successor temporary directors the five persons named in the
6 petition.

7 [Sections 8318.053-8318.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8318.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8318.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8318.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8318.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
24 project must meet all applicable construction standards, zoning and
25 subdivision requirements, and regulations of each municipality in
26 whose corporate limits or extraterritorial jurisdiction the road
27 project is located.

1 (b) If a road project is not located in the corporate limits
2 or extraterritorial jurisdiction of a municipality, the road
3 project must meet all applicable construction standards,
4 subdivision requirements, and regulations of each county in which
5 the road project is located.

6 (c) If the state will maintain and operate the road, the
7 Texas Transportation Commission must approve the plans and
8 specifications of the road project.

9 Sec. 8318.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution adopted by the city
12 council of the City of Baytown.

13 Sec. 8318.106. LIMITATION ON USE OF EMINENT DOMAIN. The
14 district may not exercise the power of eminent domain outside the
15 district to acquire a site or easement for:

- 16 (1) a road project authorized by Section 8318.103; or
17 (2) a recreational facility as defined by Section
18 49.462, Water Code.

19 [Sections 8318.107-8318.150 reserved for expansion]

20 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

21 Sec. 8318.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
22 district may issue, without an election, bonds and other
23 obligations secured by:

- 24 (1) revenue other than ad valorem taxes; or
25 (2) contract payments described by Section 8318.153.

26 (b) The district must hold an election in the manner
27 provided by Chapters 49 and 54, Water Code, to obtain voter approval

1 before the district may impose an ad valorem tax or issue bonds
2 payable from ad valorem taxes.

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

7 Sec. 8318.152. OPERATION AND MAINTENANCE TAX. (a) If
8 authorized at an election held under Section 8318.151, the district
9 may impose an operation and maintenance tax on taxable property in
10 the district in accordance with Section 49.107, Water Code.

11 (b) The board shall determine the tax rate. The rate may not
12 exceed the rate approved at the election.

13 Sec. 8318.153. CONTRACT TAXES. (a) In accordance with
14 Section 49.108, Water Code, the district may impose a tax other than
15 an operation and maintenance tax and use the revenue derived from
16 the tax to make payments under a contract after the provisions of
17 the contract have been approved by a majority of the district voters
18 voting at an election held for that purpose.

19 (b) A contract approved by the district voters may contain a
20 provision stating that the contract may be modified or amended by
21 the board without further voter approval.

22 [Sections 8318.154-8318.200 reserved for expansion]

23 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

24 Sec. 8318.201. AUTHORITY TO ISSUE BONDS AND OTHER
25 OBLIGATIONS. The district may issue bonds or other obligations
26 payable wholly or partly from ad valorem taxes, impact fees,
27 revenue, contract payments, grants, or other district money, or any

1 combination of those sources, to pay for any authorized district
2 purpose.

3 Sec. 8318.202. TAXES FOR BONDS. At the time the district
4 issues bonds payable wholly or partly from ad valorem taxes, the
5 board shall provide for the annual imposition of a continuing
6 direct ad valorem tax, without limit as to rate or amount, while all
7 or part of the bonds are outstanding as required and in the manner
8 provided by Sections 54.601 and 54.602, Water Code.

9 Sec. 8318.203. BONDS FOR ROAD PROJECTS. At the time of
10 issuance, the total principal amount of bonds or other obligations
11 issued or incurred to finance road projects and payable from ad
12 valorem taxes may not exceed one-fourth of the assessed value of the
13 real property in the district.

14 SECTION 2. The Harris County Municipal Utility District No.
15 528 initially includes all the territory contained in the following
16 area:

17 TRACT 1

18 FIELD NOTES of a 27.8347 acre tract of land situated in the William
19 Scott Lower league, Abstract No. 65, Harris County, Texas, and
20 being out of and a part of a 1541 acre tract of land conveyed to
21 Ashbel Smith Land Company by B. W. Armstrong, et al, by Deed dated
22 November 29, 1935, and recorded in Volume 996 at Page 379 of the
23 Deed Records of Harris County, Texas. This 27.8347 acre tract of
24 land is more particularly described by metes and bounds as follows,
25 to-wit:

26 NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES
27 REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL

1 ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR =
2 0.9998389.
3 BEGINNING at a concrete right-of-way monument found at the
4 intersection of the North right-of-way line of Spur 55
5 (right-of-way width varies) and the East right-of-way line of State
6 Highway 146 (right-of-way width varies). Said point being
7 Westernmost Southwest corner and POINT OF BEGINNING of this tract
8 and having a State Plane Coordinate Value of N=13,832,328.10 and
9 E=3,250,340.20. Said point being in a curve to the left, concave
10 Westerly.
11 THENCE: Along and around said curve to the left, in a Northerly
12 direction, along the West line of this tract and the East
13 right-of-way line of said State Highway No. 146, said curve having a
14 central angle of 15°57'18", a radius of 1629.82 feet, and a chord
15 bearing and distance of North 23°06'38" East 452.39 feet, for an arc
16 length of 453.85 feet to a concrete right-of-way monument found for
17 the TERMINATION POINT of said curve.
18 THENCE: North 10°06'20" East along the West line of this tract and
19 the East right-of-way line of said State Highway No. 146, for a
20 distance of 97.12 feet to a 1/2 inch iron rod, with cap, set for the
21 Northwest corner of this tract and the Southwest corner of that
22 certain 33.00 acre tract of land conveyed by Ashbel Smith
23 Management Company, et al, to Goose Creek Consolidated Independent
24 School District by Deed dated June 5, 1991 and recorded under County
25 Clerk's File No. N174232 of the Official Public Records of Real
26 Property of Harris County, Texas.
27 THENCE: South 73°11'36" East along the North line of this tract and

1 the South line of said 33.00 acre tract for a distance of 1795.57
2 feet to a 1/2 inch iron rod, with cap, set in the West right-of-way
3 line of Tri-Cities Beach Road (80 feet wide right-of-way) for the
4 Southeast corner of said 33.00 acres and the Northeast corner of
5 this tract.

6 THENCE: South 08°04'39" East along the Northernmost East line of
7 this tract and the West right-of-way line of said Tri-Cities Beach
8 Road for a distance of 572.67 feet to a 1/2 inch iron rod, with cap,
9 set for the Easternmost Southeast corner of this tract at the
10 intersection of the West right-of-way line of Tri-Cities Beach Road
11 with the North right-of-way line of said Spur 55.

12 THENCE: South 49°20'06" West along the Southernmost East line of
13 this tract and the North right-of-way line of said Spur 55 for a
14 distance of 104.30 feet to 1/2 inch iron rod, with cap, set for the
15 Southernmost Southeast corner of this tract and an angle point in
16 the North right-of-way line of said Spur 55.

17 THENCE: North 73°15'09" West along the South line of this tract and
18 the North right-of-way line of said Spur 55 for a distance of 118.36
19 feet to a 1/2 inch iron rod, with cap, set for an angle point in said
20 line.

21 THENCE: North 74°30'59" West along the South line of this tract and
22 the North right-of-way line of said Spur 55 for a distance of
23 1813.52 feet to a 1/2 inch iron rod, with cap, set for the
24 Southernmost Southwest corner of this tract and an angle point in
25 the North right-of-way line of said Spur 55.

26 THENCE: North 23°25'09" West along the Southernmost West line of
27 this tract and the North right-of-way line of said Spur 55 for a

1 distance of 135.34 feet to the PLACE OF BEGINNING and containing
2 within these boundaries 27.8347 acres of land.

3 TRACT 2

4 FIELD NOTES of a 28.5456 acre tract of land situated in the William
5 Scott Lower league, Abstract No. 65, Harris County, Texas, and
6 being out of and a part of a 1541 acre tract of land conveyed to
7 Ashbel Smith Land Company by B. W. Armstrong, et al, by Deed dated
8 November 29, 1935, and recorded in Volume 996 at Page 379 of the
9 Deed Records of Harris County, Texas. This 28.5456 acre tract of
10 land is more particularly described by metes and bounds as follows,
11 to-wit:

12 NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES
13 REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL
14 ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR =
15 0.9998389.

16 BEGINNING at a 1/2 inch iron rod, with cap, set at the intersection
17 of the Northwest right-of-way line of State Highway No. 146 (200
18 feet wide right-of-way) with the East right-of-way of the Missouri
19 Pacific Railroad (Parcel No. 1 containing 3.66104 acres conveyed by
20 Ashbel Smith Land Company to Missouri Pacific Railroad Company by
21 Deed dated January 9, 1967 and recorded in Volume 6644 at Page 486
22 of the Deed Records of Harris County, Texas). Said point being the
23 Southwest corner and POINT OF BEGINNING of this tract and having a
24 State Plane Coordinate Value of N=13,831,254.86 and
25 E=3,248,223.73.

26 THENCE: North 24°15'03" West along the Southernmost West line of
27 this tract and the East right-of-way line of said Missouri Pacific

1 Railroad for a distance of 540.66 feet to a 1/2 inch iron, with cap,
2 set for the BEGINNING POINT of a curve to the right, concave
3 Easterly.

4 THENCE: Along and around said curve to the right, in a
5 Northwesterly direction, along the Southernmost West line of this
6 tract and the East right-of-way line of said Missouri Pacific
7 Railroad, said curve having a central angle of $06^{\circ}37'49''$, a radius
8 of 1065.93 feet, and a chord bearing and distance of North $20^{\circ}56'07''$
9 West 123.28 feet, for an arc length of 123.35 feet to a fence corner
10 post found for an interior corner of this tract and an exterior
11 corner of said Missouri Pacific Railroad.

12 THENCE: South $71^{\circ}27'32''$ West along the Westernmost South line of
13 this tract and an exterior line of said Missouri Pacific Railroad
14 for a distance of 30.00 feet to a fence corner post found for an
15 exterior corner of this tract and an interior corner of said
16 Missouri Pacific Railroad; said point being the BEGINNING POINT of
17 a curve to the right, concave Easterly.

18 THENCE: Along and around said curve to the right, in a Northerly
19 direction, along the Northernmost West line of this tract and the
20 East right-of-way line of said Missouri Pacific Railroad, said
21 curve having a central angle of $17^{\circ}22'22''$, a radius of 1095.93 feet,
22 and a chord bearing of North $08^{\circ}57'32''$ West 331.03 feet, for an arc
23 length of 332.30 feet to a 1/2 inch iron rod, with cap, set for the
24 TERMINATION POINT of said curve.

25 THENCE: North $00^{\circ}22'43''$ West along the Northernmost West line of
26 this tract and the East right-of-way line of said Missouri Pacific
27 Railroad for a distance of 164.82 feet to a fence corner post found

1 at the intersection of said line with the South right-of-way line of
2 Alexander Drive (120 feet wide right-of-way) for the Northwest
3 corner of this tract.

4 THENCE: South 88°36'31" East along the South right-of-way line of
5 South Alexander Drive and the North line of this tract for a
6 distance of 742.80 feet to a concrete right-of-way monument found
7 for an angle point in said line.

8 THENCE: South 88°51'51" East along the South right-of-way line of
9 South Alexander Drive and the North line of this tract for a
10 distance of 648.31 feet to a concrete right-of-way monument found
11 for the BEGINNING POINT of a curve to the right, concave Southerly.

12 THENCE: Along and around said curve to the right, along the North
13 line of this tract and the South right-of-way line of said South
14 Alexander Drive, in an Easterly direction, said curve having a
15 central angle of 07°23'27", a radius of 2804.76 feet, and a chord
16 bearing and distance of South 84°50'16" East 361.55 feet, for an arc
17 length of 361.80 feet to a 1/2 inch iron rod, with cap, set for the
18 Northeast corner of this tract at the intersection of the South
19 right-of-way line of South Alexander Drive with a West right-of-way
20 line of State Highway No. 146.

21 THENCE: South 18°20'49" East along the East line of this tract and a
22 West right-of-way line of said State Highway No. 146, for a distance
23 of 156.45 feet to a 1/2 inch iron rod, with cap, set for the
24 Southeast corner of this tract and an interior corner of said State
25 Highway No. 146 right-of-way. Said point being in a curve to the
26 right, concave Northerly.

27 THENCE: Along and around said curve to the right, in a Westerly

1 direction, along the South line of this tract and the North
2 right-of-way line of said State Highway No. 146, said curve having a
3 central angle of 07°12'01", a chord bearing and distance of South
4 48°00'47" West 476.69 feet, for an arc length of 477.00 feet to a 1/2
5 inch iron rod, with cap, set for the TERMINATION POINT of said
6 curve.

7 THENCE: South 59°19'20" West along the South line of this tract and
8 the North right-of-way line of said State Highway No. 146 for a
9 distance of 478.02 feet to a 1/2 inch iron rod, with cap, set for an
10 angle point in said line.

11 THENCE: South 65°20'11" West along the South line of this tract and
12 the North right-of-way line of said State Highway No. 146 for a
13 distance of 756.46 feet to the PLACE OF BEGINNING and containing
14 within these boundaries 28.5456 acres of land.

15 TRACT 3

16 FIELD NOTES of a 180.9042 acre tract of land situated in the William
17 Scott Lower League, Abstract No. 65, Harris County, Texas, and
18 being out of and a part of a 1541 acre tract of land conveyed to
19 Ashbel Smith Land Company by B. W. Armstrong, et al, by Deed dated
20 November 29, 1935, and recorded in Volume 996 at Page 379 of the
21 Deed Records of Harris County, Texas. This 180.9042 acre tract of
22 land is more particularly described by metes and bounds as follows,
23 to-wit:

24 NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES
25 REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL
26 ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR =
27 0.9998389.

1 COMMENCING at a 2 inch iron pipe for the Northeast corner of a
2 1.5116 acre tract of land called Tract 2 conveyed to Jack A. Howard,
3 et al, by Robert O. Busch, et al, by Deed dated March 15, 1978, and
4 recorded at County Clerk's file No. F530458 of the Official Public
5 Records of Real Property of Harris County, Texas, and in the South
6 right-of-way line of State Highway No. 146, 200 foot wide
7 right-of-way. Said COMMENCING POINT has a State Plane Coordinate
8 Value of N=13,830,522.01 and E=3,247,084.46.

9 THENCE: South 16°07'47" West along the East line of said 1.5116
10 acres for a distance of 677.44 feet to a 2-1/2 inch metal post for
11 the Northwest corner and POINT OF BEGINNING of this tract.

12 THENCE: South 89°15'51" East along the North line of this tract for
13 a distance of 1329.80 feet to a point for the Northeast corner of
14 this tract.

15 THENCE: South 00°44'09" West along the East line of this tract for a
16 distance of 2982.46 feet to a point for an angle point in said East
17 line.

18 THENCE: South 19°20'00" West along the East line of this tract for a
19 distance of 1000.68 feet to a point for an angle point in said East
20 line.

21 THENCE: South 31°08'04" West along the East line of this tract for a
22 distance of 908.34 feet to a point in the North right-of-way line of
23 Evergreen Road (60 feet wide right-of-way) for the Southeast corner
24 of this tract.

25 THENCE: North 58°51'56" West along the Easternmost South line of
26 this tract and the North right-of-way line of Evergreen Road for a
27 distance of 409.49 feet to a 1/2 inch iron rod, with cap, for the

1 BEGINNING POINT of a curve to the right, concave Northeast.
2 THENCE: Along and around said curve, in a Northwesterly direction,
3 with the Easternmost South line of this tract of land and the
4 Northeast right-of-way line of Evergreen Road, said curve having a
5 central angle of $15^{\circ}59'48''$, a radius of 789.20 feet, and a chord
6 bearing and distance of North $50^{\circ}50'40''$ West 219.63 feet, for an arc
7 length of 220.34 feet to a 1/2 inch iron rod for the TERMINATION
8 POINT of said curve.
9 THENCE: North $42^{\circ}52'16''$ West along the Easternmost South line of
10 this tract of land and the Northeast right-of-way line of Evergreen
11 Road for a distance of 685.33 feet to a 1/2 inch iron rod for the
12 BEGINNING POINT of a curve to the left, concave Southwest.
13 THENCE: Along and around said curve to the left, in a Northerly
14 direction, with the Easternmost South line of this tract of land and
15 the Northeast right-of-way line of Evergreen Road, said curve
16 having a central angle of $03^{\circ}08'33''$, a radius of 6814.28 feet, and a
17 chord bearing and distance of North $44^{\circ}27'42''$ West 373.68 feet, for
18 an arc length of 373.73 feet, to a 1/2 inch iron rod for the
19 TERMINATION POINT of said curve.
20 THENCE: North $46^{\circ}00'58''$ West along the Easternmost South line of
21 this tract of land and the Northeast right-of-way line of Evergreen
22 Road for a distance of 531.26 feet to a 1/2 inch iron rod, with cap,
23 for the Southernmost Southwest corner of this tract of land and the
24 Southeast corner of an 80 acre tract of land conveyed to Bill W.
25 Nance by Alvie Wright Nance, by Deed dated October 22, 1996, and
26 recorded under County Clerk's File No. S210455 of the Official
27 Public Records of Real Property of Harris County, Texas.

1 THENCE: North 50°36'12" East along the Southernmost West line of
2 this tract of land and the East line of said 80 acre tract of land,
3 and at 2.37 feet pass a 4 inch pipe fence corner post, continuing
4 along said line and a barb wire fence a total distance of 536.04
5 feet to a 2 inch iron pipe for an interior corner of this tract of
6 land and an angle corner of said 80 acre tract of land.

7 THENCE: North 54°45'13" West along the Westernmost South line of
8 this tract and an exterior line of said 80 acre tract, and along a
9 barb wire fence, for a distance of 293.16 feet to a 1/2 inch iron
10 rod, with cap, for the Westernmost Southwest corner of this tract.

11 THENCE: In a Northerly direction along the Northernmost West line
12 of this tract of land and the East line of said 80 acre tract of
13 land, and a barb wire fence line the following courses and
14 distances:

15 North 16°15'01" East for a distance of 1171.99 feet to a 2 inch
16 iron pipe;

17 North 43°11'17" East for a distance of 341.17 feet to a 2 inch
18 iron pipe;

19 North 18°00'45" East for a distance of 481.29 feet to a 1/2
20 inch iron rod, with cap;

21 North 15°59'25" East for a distance of 927.59 feet to the
22 PLACE OF BEGINNING and containing within these boundaries 180.9042
23 acres of land.

24 SECTION 3. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

4 (b) The governor, one of the required recipients, has
5 submitted the notice and Act to the Texas Commission on
6 Environmental Quality.

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

11 (d) All requirements of the constitution and laws of this
12 state and the rules and procedures of the legislature with respect
13 to the notice, introduction, and passage of this Act are fulfilled
14 and accomplished.

15 SECTION 4. (a) Section 8318.106, Special District Local
16 Laws Code, as added by Section 1 of this Act, takes effect only if
17 this Act receives a two-thirds vote of all the members elected to
18 each house.

19 (b) If this Act does not receive a two-thirds vote of all the
20 members elected to each house, Subchapter C, Chapter 8318, Special
21 District Local Laws Code, as added by Section 1 of this Act, is
22 amended by adding Section 8318.106 to read as follows:

23 Sec. 8318.106. NO EMINENT DOMAIN POWER. The district may
24 not exercise the power of eminent domain.

25 (c) This section is not intended to be an expression of a
26 legislative interpretation of the requirements of Section 17(c),
27 Article I, Texas Constitution.

H.B. No. 886

1 SECTION 5. Except as provided by Section 4 of this Act, this
2 Act takes effect September 1, 2011.