

By: Rodriguez

H.B. No. 1757

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Pilot Knob Municipal Utility District No. 1; 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 8_____ to read as follows:

CHAPTER 8_____. PILOT KNOB MUNICIPAL UTILITY DISTRICT

NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8____.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Pilot Knob Municipal Utility District No. 1.

Sec. 8____.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8____.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. 8____.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section

1 8____.003 until each municipality in whose corporate limits or
2 extraterritorial jurisdiction the district is located has
3 consented by ordinance or resolution to the creation of the
4 district and to the inclusion of land in the district.

5 Sec. 8____.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

6 (a) The district is created to serve a public purpose and benefit.

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

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

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

14 Sec. 8____.006. INITIAL DISTRICT TERRITORY. (a) The
15 district is initially composed of the territory described by
16 Section 2 of the Act creating this chapter.

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

21 (1) organization, existence, or validity;

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

25 (3) right to impose a tax; or

26 (4) legality or operation.

27 [Sections 8____.007-8____.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8____.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8____.052, directors serve staggered four-year terms.

Sec. 8____.052. TEMPORARY DIRECTORS.

(a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8____.003; or

(2) the fourth anniversary of the effective date of the Act creating this chapter.

(c) If permanent directors have not been elected under Section 8____.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8____.003; or

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

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 [Sections 8____.053-8____.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8____.101. GENERAL POWERS AND DUTIES. The district
11 has the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8____.102. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8____.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
19 Section 52, Article III, Texas Constitution, the district may
20 design, acquire, construct, finance, issue bonds for, improve, and
21 convey to this state, a county, or a municipality for operation and
22 maintenance macadamized, graveled, or paved roads described by
23 Section 54.234, Water Code, or improvements, including storm
24 drainage, in aid of those roads.

25 (b) The district may exercise the powers provided by this
26 section without submitting a petition to or obtaining approval
27 from the commission as required by Section 54.234, Water Code.

1 Sec. 8____.104. APPROVAL OF ROAD PROJECT. (a) The
2 district may not undertake a road project authorized by Section
3 8____.103 unless:

4 (1) each municipality or county that will operate and
5 maintain the road has approved the plans and specifications of the
6 road project, if a municipality or county will operate and maintain
7 the road; or

8 (2) the Texas Transportation Commission has approved
9 the plans and specifications of the road project, if the state will
10 operate and maintain the road.

11 (b) Except as provided by Subsection (a), the district is
12 not required to obtain approval from the Texas Transportation
13 Commission to design, acquire, construct, finance, issue bonds for,
14 improve, or convey a road project.

15 Sec. 8____.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
16 OR RESOLUTION. The district shall comply with all applicable
17 requirements of any ordinance or resolution that is adopted under
18 Section 54.016 or 54.0165, Water Code, and that consents to the
19 creation of the district or to the inclusion of land in the
20 district.

21 Sec. 8____.106. LIMITATION ON USE OF EMINENT DOMAIN. The
22 district may not exercise the power of eminent domain outside the
23 district to acquire a site or easement for:

24 (1) a road project authorized by Section 8____.103; or
25 (2) a recreational facility as defined by Section
26 49.462, Water Code.

27 [Sections 8____.107-8____.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8____.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8____.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

Sec. 8____.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8____.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 8____.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

4 [Sections 8____.154-8____.200 reserved for expansion]

5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

6 Sec. 8____.201. AUTHORITY TO ISSUE BONDS AND OTHER
7 OBLIGATIONS. The district may issue bonds or other obligations
8 payable wholly or partly from ad valorem taxes, impact fees,
9 revenue, contract payments, grants, or other district money, or any
10 combination of those sources, to pay for any authorized district
11 purpose.

12 Sec. 8____.202. TAXES FOR BONDS. At the time the district
13 issues bonds payable wholly or partly from ad valorem taxes, the
14 board shall provide for the annual imposition of a continuing
15 direct ad valorem tax, without limit as to rate or amount, while all
16 or part of the bonds are outstanding as required and in the manner
17 provided by Sections 54.601 and 54.602, Water Code.

18 Sec. 8____.203. BONDS FOR ROAD PROJECTS. At the time of
19 issuance, the total principal amount of bonds or other obligations
20 issued or incurred to finance road projects and payable from ad
21 valorem taxes may not exceed one-fourth of the assessed value of the
22 real property in the district.

23 SECTION 2. The Pilot Knob Municipal Utility District No.1
24 initially includes all the territory contained in the following
25 area: 339.690 acres of land described below:

26 A DESCRIPTION OF 342.280 ACRES IN THE SANTIAGO DEL VALLE GRANT, THE
27 GUILLERMO NUNEZ SURVEY NO. 502, AND THE BARBARA LOPEZ Y MIRELEZ

1 SURVEY NO. 503, IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 25.304 ACRE
2 TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION
3 INC., DATED JULY 23, 2008 AND RECORDED IN DOCUMENT NO. 2008124712 OF
4 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
5 138.540 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA
6 ACQUISITION INC., DATED MARCH 2, 2007 AND RECORDED IN DOCUMENT NO.
7 2007038642 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
8 A PORTION OF A 20.807 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY
9 DEED TO JONA ACQUISITION INC., DATED JANUARY 3, 2007 AND RECORDED IN
10 DOCUMENT NO. 2007003159 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
11 COUNTY, TEXAS, A PORTION OF AN 81.018 ACRE TRACT DESCRIBED IN A
12 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 12,
13 2006 AND RECORDED IN DOCUMENT NO. 2006246454 OF THE OFFICIAL PUBLIC
14 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 103.415 ACRE TRACT
15 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,
16 DATED NOVEMBER 20, 2006 AND RECORDED IN DOCUMENT NO. 2006224021 OF
17 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
18 167.748 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA
19 ACQUISITION INC., DATED DECEMBER 13, 2006 AND RECORDED IN DOCUMENT
20 NO. 2006241307 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
21 TEXAS, ALL OF A 152.571 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY
22 DEED TO JONA ACQUISITION INC., DATED NOVEMBER 2, 2006 AND RECORDED
23 IN DOCUMENT NO. 2006214522 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
24 COUNTY, TEXAS, ALL OF A 59.027 ACRE TRACT DESCRIBED IN A GENERAL
25 WARRANTY DEED TO JONA ACQUISITION INC., DATED MARCH 2, 2007 AND
26 RECORDED IN DOCUMENT NO. 2007038634 OF THE OFFICIAL PUBLIC RECORDS
27 OF TRAVIS COUNTY, TEXAS, A PORTION OF F.M. 1625 (80' RIGHT-OF-WAY)

1 AND A PORTION OF COLTON BLUFF SPRINGS ROAD (APPARENT RIGHT-OF-WAY
2 WIDTH VARIES); SAID 342.280 ACRE TRACT BEING MORE PARTICULARLY
3 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

4 BEGINNING at a 1/2" rebar with Chaparral cap found in the west
5 right-of-way line of U.S. Highway 183 (100' right-of-way) for the
6 northeast corner of said 25.304 acre tract, same being the
7 southeast corner of Lot 14, South 183 Park, a subdivision recorded
8 in Volume 78, Page 253 of the Plat Records of Travis County, Texas;
9 THENCE with the west right-of-way line of U.S. Highway 183, same
10 being the east line of said 25.304 acre tract and the north terminus
11 of F.M. 1625, with a curve to the left, having a radius of 5779.84
12 feet, a delta angle of 6°21'28", an arc length of 641.35 feet, and a
13 chord which bears South 5°19'41" West, a distance of 641.02 feet to a
14 calculated point for the east right-of-way line of F.M. 1625;
15 THENCE with the east right-of-way line of F.M. 1625, the following
16 five (5) courses and distances:

17 1. South 85°41'32" West, a distance of 44.00 feet to a
18 calculated point;

19 2. South 30°34'53" West, a distance of 164.30 feet to a
20 calculated point;

21 3. South 27°05'32" West, a distance of 672.59 feet to a
22 calculated point;

23 4. South 26°41'32" West, a distance of 410.38 feet to a
24 calculated point;

25 5. South 27°11'23" West, in part with the west terminus of
26 McKenzie Road (60' right-of-way), a distance of 380.85 feet to a
27 1/2" rebar with Chaparral cap found in the south right-of-way line

1 of McKenzie Road, for the northwest corner of said 59.027 acre
2 tract;

3 THENCE with the south right-of-way line of McKenzie Road, same
4 being the northeast line of said 59.027 acre tract, the following
5 two (2) courses and distances:

6 1. South 62°41'20" East, a distance of 908.70 feet to a 1"
7 iron pipe found;

8 2. South 33°59'03" East, a distance of 171.70 feet to a 1/2"
9 rebar with Chaparral cap found in the west right-of-way line of U.S.
10 Highway 183, for the northeast corner of said 59.027 acre tract;

11 THENCE South 04°10'14" East, with the west right-of-way line of U.S.
12 Highway 183, same being the east line of said 59.027 acre tract, and
13 the east line of said 152.571 acre tract, a distance of 4697.45 feet
14 to a 5/8" rebar found for the southeast corner of said 152.571 acre
15 tract, same being the northeast corner of a 9.87 acre tract
16 described in a deed to Bobby Ray Burklund, et al., recorded in
17 Document No. 1999103744 of the Official Public Records of Travis
18 County, Texas;

19 THENCE North 62°43'22" West, with the southwest line of said 152.571
20 acre tract, same being the northeast line of said 9.87 acre tract,
21 the northeast line of a 19.73 acre tract described in a deed to
22 Erland Burklund, et ux., recorded in Volume 4054, Page 1326 of the
23 Deed Records of Travis County, Texas, the northeast line of a 3.00
24 acre tract described in a deed to Erland Burklund, et ux., recorded
25 in Volume 3978, Page 1205 of the Deed Records of Travis County,
26 Texas, and the northeast line of a 1.00 acre tract described in a
27 deed to Erland Burklund, et ux., recorded in Volume 2100, Page 268

1 of the Deed Records of Travis County, Texas, a distance of 3498.94
2 feet to a 1/2" rebar with Chaparral cap found in the east
3 right-of-way line of F.M. 1625, for the southwest corner of said
4 152.571 acre tract, same being the northwest corner of said 1.00
5 acre tract;

6 THENCE North 62°38'08" West, crossing F.M. 1625, a distance of 80.00
7 feet to a calculated point in the west right-of-way line of F.M.
8 1625, same being the east line of said 167.748 acre tract; THENCE
9 North 27°05'45" East, with the west right of line of F.M. 1625, same
10 being the east line of said 167.748 acre tract, a distance of 0.13
11 feet to a calculated point;

12 THENCE crossing said 167.748 acre tract, said 103.415 acre tract,
13 said 81.018 acre tract, Colton Bluff Springs Road, said 20.807 acre
14 tract and said 138.540 acre tract, the following fourteen (14)
15 courses and distances:

16 1. North 62°48'33" West, a distance of 190.11 feet to a
17 calculated point;

18 2. North 27°11'27" East, a distance of 450.00 feet to a
19 calculated point;

20 3. North 27°05'07" East, a distance of 1284.12 feet to a
21 calculated point;

22 4. North 62°55'07" West, a distance of 393.35 feet to a
23 calculated point;

24 5. North 27°04'42" East, a distance of 1090.01 feet to a
25 calculated point;

26 6. South 62°55'07" East, a distance of 393.93 feet to a
27 calculated point;

1 7. North 27°06'32" East, a distance of 1006.99 feet to a
2 calculated point;

3 8. With a curve to the left, having a radius of 800.00 feet,
4 a delta angle of 04°05'43", an arc length of 57.18 feet, and a chord
5 which bears North 19°18'34" West, a distance of 57.17 feet to a
6 calculated point;

7 9. North 21°21'01" West, a distance of 1149.03 feet to a
8 calculated point;

9 10. With a curve to the right, having a radius of 499.99
10 feet, a delta angle of 41°14'55", an arc length of 359.95 feet, and a
11 chord which bears North 00°43'58" West, a distance of 352.23 feet to
12 a calculated point;

13 11. North 19°53'30" East, a distance of 342.26 feet to a
14 calculated point;

15 12. With a curve to the right, having a radius of 2002.94
16 feet, a delta angle of 22°31'58", an arc length of 787.70 feet, and a
17 chord which bears North 58°50'31" West, a distance of 782.64 feet to
18 a calculated point;

19 13. North 47°34'32" West, a distance of 42.94 feet to a
20 calculated point;

21 14. North 27°06'47" East, a distance of 3.20 feet to a 1/2"
22 iron pipe found for an interior ell corner in the north line of said
23 138.540 acre tract, same being the south corner of a 380.080 acre
24 tract described in a deed to Ernest Collins and Floretta Collins,
25 recorded in Volume 12791, Page 11 of the Real Property Records of
26 Travis County, Texas;

27 THENCE with the northwest line of said 138.540 acre tract, same

1 being the southeast line of said 380.080 acre tract, the following
2 two (2) courses and distances:

3 1. North 27°06'47" East, a distance of 851.48 feet to a 3/4"
4 iron pipe found;

5 2. North 29°08'56" East, a distance of 229.98 feet to a 1/2"
6 iron pipe found for a north corner of said 138.540 acre tract, same
7 being the west corner of said 25.304 acre tract;

8 THENCE North 26°45'01" East, with the northwest line of said 25.304
9 acre tract, same being the southeast line of said 380.080 acre
10 tract, a distance of 430.74 feet to a 1/2" rebar found for the north
11 corner of said 25.304 acre tract, same being the west corner of Lot
12 8, South 183 Park;

13 THENCE South 48°05'10" East, with the southwest line of South 183
14 Park, a distance of 2072.23 feet to POINT OF BEGINNING, containing
15 342.280 acres of land, more or less.

16 SAVE AND EXCEPT 2.461 ACRES:

17 BEING ALL OF A 1 ACRE TRACT DESCRIBED IN A DEED TO TEOFILO DE
18 SANTIAGO, DATED AUGUST 1, 1977 AND RECORDED IN VOLUME 5869, PAGE
19 1058 OF THE DEED RECORDS OF TRAVIS COUNTY TEXAS, AND ALL OF A 1.10
20 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO HERIBERTA OJEDA AND
21 GLORIA OJEDA, DATED NOVEMBER 6, 1995 AND RECORDED IN VOLUME 12586,
22 PAGE 40 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID
23 2.461 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
24 BOUNDS AS FOLLOWS:

25 BEGINNING at a 1/2" rebar with Chaparral cap found in the west
26 right-of-way line of F.M. 1625, for the south corner of said 1.10
27 acre tract, same being the east corner of said 20.807 acre tract;

1 THENCE North 53°08'58" West, with the southwest line of said 1.10
2 acre tract and said 1 acre tract, same being the northeast line of
3 said 20.807 acre tract, a distance of 440.29 feet to a 1/2" rebar
4 found for the west corner of said 1 acre tract, same being an angle
5 point in the south line of said 138.540 acre tract;

6 THENCE North 30°00'39" East, with the northwest line of said 1 acre
7 tract, same being the south line of said 138.540 acre tract, a
8 distance of 250.26 feet to a 1/2" rebar with Chaparral cap found for
9 the north corner of said 1 acre tract, same being an angle point in
10 the south line of said 138.540 acre tract;

11 THENCE South 52°47'09" East, with the northeast line of said 1 acre
12 tract and said 1.10 acre tract, same being the south line of said
13 138.540 acre tract, a distance of 427.83 feet to a calculated point
14 in the west right-of-way line of F.M. 1625, for the east corner of
15 said 1.10 acre tract;

16 THENCE South 27°05'32" West, with the west right-of-way line of F.M.
17 1625, same being the southeast line of said 1.10 acre tract, a
18 distance of 249.38 feet to the POINT OF BEGINNING, containing 2.461
19 acres of land, more or less.

20 SAVE AND EXCEPT 0.129 ACRES:

21 BEING ALL OF A 0.1291 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY
22 DEED TO CROWN COMMUNICATION INC., DATED SEPTEMBER 3, 2001 AND
23 RECORDED IN DOCUMENT NUMBER 2001163489 OF THE OFFICIAL PUBLIC
24 RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.129 ACRE TRACT BEING MORE
25 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

26 BEGINNING at a 1/2" rebar with Chaparral cap found for the north
27 corner of said 0.1291 acre tract, same being a northeast corner of

1 said 167.748 acre tract, also being in the southwest line of said
2 103.415 acre tract;

3 THENCE South 62°41'37" East, with the northeast line of said 0.1291
4 acre tract, same being the southwest line of said 103.415 acre
5 tract, a distance of 75.00 feet to a calculated point in the west
6 right-of-way line of F.M. 1625, for the east corner of said 0.1291
7 acre tract;

8 THENCE South 27°05'45" West, with the west right-of-way line of F.M.
9 1625, same being the southeast line of said 0.1291 acre tract, a
10 distance of 75.17 feet to a calculated point for the south corner of
11 said 0.1291 acre tract, same being a northeast corner of said
12 167.748 acre tract;

13 THENCE North 62°41'37" West, with the southwest line of said 0.1291
14 acre tract, same being a northeast line of said 167.748 acre tract,
15 a distance of 75.00 feet to a 1/2" rebar with Chaparral cap found
16 for the west corner of said 0.1291 acre tract, same being an angle
17 point in the northeast line of said 167.748 acre tract;

18 THENCE North 27°05'45" East, with the northwest line of said 0.1291
19 acre tract, same being the northeast line of said 167.748 acre
20 tract, a distance of 75.17 feet to the POINT OF BEGINNING,
21 containing 0.129 acres of land, more or less.

22 SECTION 3. (a) The legal notice of the intention to
23 introduce this Act, setting forth the general substance of this
24 Act, has been published as provided by law, and the notice and a
25 copy of this Act have been furnished to all persons, agencies,
26 officials, or entities to which they are required to be furnished
27 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

1 Government Code.

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

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

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

13 SECTION 4. Except as provided by Section 4 of this Act:

14 (1) this Act takes effect immediately if it receives a
15 vote of two-thirds of all members elected to each house, as provided
16 by Section 39, Article III, Texas Constitution; and

17 (2) if this Act does not receive the vote necessary for
18 immediately effect, this Act takes effect September 1, 2011.