

By: Flynn

H.B. No. 2363

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Bearpen Creek Municipal Utility District of Hunt County; 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 8363 to read as follows:

CHAPTER 8363. BEARPEN CREEK MUNICIPAL UTILITY DISTRICT

OF HUNT COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8363.001. DEFINITIONS. In this chapter:

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

(2) "City" means a municipality in whose corporate limits or extraterritorial jurisdiction the district is located.

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

(4) "Director" means a board member.

(5) "District" means the Bearpen Creek Municipal Utility District of Hunt County.

Sec. 8363.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8363.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to

1 confirm the creation of the district and to elect five permanent
2 directors as provided by Section 49.102, Water Code.

3 Sec. 8363.004. CONSENT OF MUNICIPALITY REQUIRED. The
4 temporary directors may not hold an election under Section 8363.003
5 until each municipality in whose corporate limits or
6 extraterritorial jurisdiction the district is located has
7 consented by ordinance or resolution to the creation of the
8 district and to the inclusion of land in the district.

9 Sec. 8363.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
10 The district is created to serve a public purpose and benefit.

11 (b) The district is created to accomplish the purposes of:
12 (1) a municipal utility district as provided by
13 general law and Section 59, Article XVI, Texas Constitution; and
14 (2) Section 52, Article III, Texas Constitution, that
15 relate to the construction, acquisition, improvement, operation,
16 or maintenance of macadamized, graveled, or paved roads, or
17 improvements, including storm drainage, in aid of those roads.

18 Sec. 8363.006. INITIAL DISTRICT TERRITORY. (a) The
19 district is initially composed of the territory described by
20 Section 2 of the Act enacting this chapter.

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

25 (1) organization, existence, or validity;
26 (2) right to issue any type of bond for the purposes
27 for which the district is created or to pay the principal of and

1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 [Sections 8363.007-8363.050 reserved for expansion]

5 SUBCHAPTER B. BOARD OF DIRECTORS

6 Sec. 8363.051. GOVERNING BODY; TERMS. (a) The district is
7 governed by a board of five elected directors.

8 (b) Except as provided by Section 8363.052, directors serve
9 staggered four-year terms.

10 Sec. 8363.052. TEMPORARY DIRECTORS. (a) The temporary
11 board consists of:

12 (1) Jessica Shae Ewy;

13 (2) Jason Michael Farmer;

14 (3) Charles Richard Johns;

15 (4) Warren Jacob Loftis; and

16 (5) Martin Jacob Newman.

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

18 (1) the date permanent directors are elected under
19 Section 8363.003; or

20 (2) the fourth anniversary of the effective date of
21 the Act enacting this chapter.

22 (c) If permanent directors have not been elected under
23 Section 8363.003 and the terms of the temporary directors have
24 expired, successor temporary directors shall be appointed or
25 reappointed as provided by Subsection (d) to serve terms that
26 expire on the earlier of:

27 (1) the date permanent directors are elected under

1 Section 8363.003; or

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

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

11 [Sections 8363.053-8363.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 8363.101. GENERAL POWERS AND DUTIES. The district has
14 the powers and duties necessary to accomplish the purposes for
15 which the district is created.

16 Sec. 8363.102. MUNICIPAL UTILITY DISTRICT POWERS AND
17 DUTIES. The district has the powers and duties provided by the
18 general law of this state, including Chapters 49 and 54, Water Code,
19 applicable to municipal utility districts created under Section 59,
20 Article XVI, Texas Constitution.

21 Sec. 8363.103. AUTHORITY FOR ROAD PROJECTS. Under Section
22 52, Article III, Texas Constitution, the district may design,
23 acquire, construct, finance, issue bonds for, improve, operate,
24 maintain, and convey to this state, a county, or a municipality for
25 operation and maintenance macadamized, graveled, or paved roads, or
26 improvements, including storm drainage, in aid of those roads.

27 Sec. 8363.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road

1 project must meet all applicable construction standards, zoning and
2 subdivision requirements, and regulations of each municipality in
3 whose corporate limits or extraterritorial jurisdiction the road
4 project is located.

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

10 (c) If the state will maintain and operate the road, the
11 Texas Transportation Commission must approve the plans and
12 specifications of the road project.

13 Sec. 8363.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
14 OR RESOLUTION. The district shall comply with all applicable
15 requirements of any ordinance or resolution that is adopted under
16 Section 54.016 or 54.0165, Water Code, and that consents to the
17 creation of the district or to the inclusion of land in the
18 district.

19 Sec. 8363.106. ACQUISITION OF PERMIT RIGHTS. (a) Using any
20 available district money, including bond proceeds, the district may
21 pay all expenses related to the acquisition of a certificate of
22 public convenience and necessity from another retail public utility
23 and any other permit rights necessary to provide the city authority
24 to provide retail water or sewer service in the district. The
25 acquisition, by purchase or otherwise, may be made by the district
26 on behalf of and for transfer to the city or by the city directly.

27 (b) In relation to a retail public utility that provides

1 water or sewer service to all or part of the area of the district
2 under a certificate of public convenience and necessity, the
3 district may exercise the powers given to a municipality provided
4 by Section 13.255, Water Code, as if the district were a
5 municipality that had annexed the area of the district. The
6 commission shall grant single certification as to the city as
7 provided by Section 13.255(c), Water Code, in the event that the
8 district applies for the certification on the city's behalf in the
9 manner provided by Section 13.255(b), Water Code.

10 (c) The city may contract with the district to carry out the
11 purposes of this section without further authorization.

12 Sec. 8363.107. LIMITATION ON USE OF EMINENT DOMAIN. The
13 district may not exercise the power of eminent domain outside the
14 district to acquire a site or easement for:

- 15 (1) a road project authorized by Section 8363.103; or
16 (2) a recreational facility as defined by Section
17 49.462, Water Code.

18 [Sections 8363.108-8363.150 reserved for expansion]

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 8363.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
21 district may issue, without an election, bonds and other
22 obligations secured by:

- 23 (1) revenue other than ad valorem taxes; or
24 (2) contract payments described by Section 8363.153.

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

1 payable from ad valorem taxes.

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

6 Sec. 8363.152. OPERATION AND MAINTENANCE TAX. (a) If
7 authorized at an election held under Section 8363.151, the district
8 may impose an operation and maintenance tax on taxable property in
9 the district in accordance with Section 49.107, Water Code.

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

12 Sec. 8363.153. CONTRACT TAXES. (a) In accordance with
13 Section 49.108, Water Code, the district may impose a tax other than
14 an operation and maintenance tax and use the revenue derived from
15 the tax to make payments under a contract after the provisions of
16 the contract have been approved by a majority of the district voters
17 voting at an election held for that purpose.

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

21 [Sections 8363.154-8363.200 reserved for expansion]

22 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

23 Sec. 8363.201. AUTHORITY TO ISSUE BONDS AND OTHER
24 OBLIGATIONS. (a) Except as provided by Subsection (b), the
25 district may issue bonds or other obligations payable wholly or
26 partly from ad valorem taxes, impact fees, revenue, contract
27 payments, grants, or other district money, or any combination of

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

2 (b) The district may not issue bonds until the governing
3 body of the city approves a bond issuance plan authorizing and
4 setting forth the limitations on the issuance of the bonds.

5 Sec. 8363.202. TAXES FOR BONDS. At the time the district
6 issues bonds payable wholly or partly from ad valorem taxes, the
7 board shall provide for the annual imposition of a continuing
8 direct ad valorem tax, without limit as to rate or amount, while all
9 or part of the bonds are outstanding as required and in the manner
10 provided by Sections 54.601 and 54.602, Water Code.

11 Sec. 8363.203. BONDS FOR ROAD PROJECTS. At the time of
12 issuance, the total principal amount of bonds or other obligations
13 issued or incurred to finance road projects and payable from ad
14 valorem taxes may not exceed one-fourth of the assessed value of the
15 real property in the district.

16 [Sections 8363.204-8363.250 reserved for expansion]

17 SUBCHAPTER F. DISSOLUTION OF DISTRICT

18 Sec. 8363.251. DISSOLUTION BY CITY ORDINANCE. (a) The city
19 may dissolve the district by ordinance after provision is made for
20 all debts incurred by the district if one or more of the following
21 does not occur:

22 (1) on or before the 90th day after the effective date
23 of the Act enacting this chapter, the city receives one or more
24 petitions requesting annexation of all territory in the district
25 remaining in the extraterritorial jurisdiction of the city;

26 (2) on or before the last day of the ninth month after
27 the effective date of the Act enacting this chapter, the city adopts

1 one or more ordinances annexing all territory in the district
2 remaining in the city's extraterritorial jurisdiction;

3 (3) on or before the last day of the third year after
4 the effective date of the Act enacting this chapter, the commission
5 issues an order approving the sale and transfer of a certificate of
6 public convenience and necessity authorizing the city to provide
7 retail water service to territory in the district; or

8 (4) by the end of the fifth year after the effective
9 date of the Act enacting this chapter, the district has completed
10 construction of internal streets and water and sanitary sewer
11 facilities sufficient to serve at least 100 residential lots in the
12 district.

13 (b) If the city dissolves the district under Subsection (a):

14 (1) any district assets that remain after the payment
15 of debts shall be transferred to the city; and

16 (2) the organization of the district shall be
17 maintained until all the debts are paid or assumed and remaining
18 assets are transferred.

19 (c) This section does not limit the authority of the city to
20 dissolve the district under Chapter 43, Local Government Code, or
21 other general law.

22 SECTION 2. The Bearpen Creek Municipal Utility District of
23 Hunt County initially includes all the territory contained in the
24 following area:

25 A metes and bounds description of a 960.90 acre tract of land
26 situated in the James May Survey, Abstract No. 1297, the James Roads
27 Survey, Abstract No. 872, the G.W. McCafferty Survey, Abstract No.

1 1298, the Shelby County School Land Survey, Abstract No. 946, and
2 the John Stone Survey, Abstract No. 198, Hunt County, Texas, and
3 being that land described by deeds to Bearpen Creek, L.P, as
4 recorded in Volume 1184, Page 63, Volume 1184, Page 68, Volume 1184,
5 Page 54, Volume 1184, Page 73, Volume 1184, Page 59, Volume 1184,
6 Page 59, Volume 1184, Page 36, Volume 1184, Page 50, Volume 1184,
7 Page 41, Volume 1184, Page 45, and Volume 1184, Page 32, Deed
8 Records, Hunt County, Texas.

9 BEGINNING at a point for the south right-of-way line of U.S.
10 Interstate 30, being the northwest corner of said deed recorded in
11 Volume 1184, Page, 63 and being the northeast corner of a tract of
12 land described by deed to Sharon McCall, as recorded in Volume 897,
13 Page 372, Deed Records, Hunt County, Texas;

14 THENCE North 88°51'12" East along the said south right-of-way
15 line, a distance of 1284.70 feet to a point for corner being the
16 northwest corner of a tract of land described by deed to Crawford,
17 as recorded in Volume 178, Page 743, Deed Records, Hunt County,
18 Texas;

19 THENCE South 01°06'57" East leaving said right-of-way and
20 along the west line of said Crawford tract, a distance of 943.75
21 feet to a point for corner, being an el corner of this tract and the
22 southwest corner of said Crawford tract and being near the center of
23 County Road 2515;

24 THENCE North 88°53'22" East along the south line of said
25 Crawford tract being in said County Road, a distance of 723.00 feet
26 to a point for corner, being the southeast corner of said Crawford
27 tract and being the southwest corner of a tract of land described by

1 deed to Action Inc., as recorded in Volume 453, Page 845, Deed
2 Records, Hunt County, Texas;

3 THENCE North 76°06'29" East along the south line of said
4 Action Inc., a distance of 135.68 feet to a point for corner, being
5 the northwest corner of a remainder of a tract of land described by
6 deed to Leonard H. Daniel, as recorded in Volume 99, Page 548, Deed
7 Records, Hunt County, Texas;

8 THENCE South 00°06'22" East leaving said County Road and the
9 south line of said Action Inc, and along the west line of said
10 Daniel remainder tract, a distance of 748.00 feet to a point for
11 corner;

12 THENCE North 89°08'43" East along the south line of said
13 Daniel remainder tract, a distance of 395.42 feet to a point for
14 corner being in the west line of a tract of land described by deed to
15 Leonard H. Daniel, as recorded in Volume 859, Page 497, Deed
16 Records, Hunt County, Texas;

17 THENCE South 00°18'34" East along the west line of said Daniel
18 tract, a distance of 740.51 feet to a point for corner, being an el
19 corner of this tract and the southwest corner of said Daniel tract
20 and the northwest corner of a tract of land described by said deed
21 in Volume 1184, Page 54;

22 THENCE North 89°40'05" East along the south line of said
23 Daniel tract, a distance of 1230.31 feet to a point for corner,
24 being the southeast corner of said Daniel tract and southwest
25 corner of a tract of land described by deed to Sam Holmes in Volume
26 267, Page 631, Deed Records, Hunt County, Texas;

27 THENCE North 89°02'16" East along the south line of said

1 Holmes tract, a distance of 1610.64 feet to a point for corner,
2 being the southwest corner of a tract of land known as Magnolia
3 Place as recorded by Plat in Cabinet E, Slide 169, Plat Records,
4 Hunt County, Texas;

5 THENCE North 89°01'45" East along the south line of said
6 Magnolia Place, a distance of 402.32 feet to a point for corner,
7 being the northeast corner of said tract of land recorded in Volume
8 1184, Page 73 and being an el corner of said Magnolia Place;

9 THENCE South 01°21'12" East along the east line of said tract
10 of land recorded in Volume 1184, Page 73 and the west line of said
11 Magnolia Place, a distance of 1247.77 feet to a point for corner,
12 being in County Road 2596;

13 THENCE North 89°34'22" East with the said County Road, along
14 the south line of said Magnolia Place, along the south line of a
15 tract of land known as South Gentry as recorded by plat in Cabinet
16 E, Slide 169, Plat Records, Hunt County, Texas, and along the south
17 line of a tract of land described by deed to Bobby Crowell in Volume
18 858, Page 332, Deed Records, Hunt County, Texas, a distance of
19 2343.14 feet to a point for corner, being the northwest corner of
20 Hoffman Estates as recorded in Volume B, Page 52, Deed Records, Hunt
21 County, Texas;

22 THENCE South 00°05'44" West along the west line of Hoffman
23 Estates, a distance of 1135.75 feet to a point for corner;

24 THENCE South 16°57'40" East continuing along said west line a
25 distance of 83.02 feet to a point for corner;

26 THENCE South 00°47'53" East continuing along said west line a
27 distance of 613.79 feet to a point for corner;

1 THENCE North 89°59'40" West continuing along said west line a
2 distance of 36.33 feet to a point for corner;

3 THENCE South 00°23'15" East continuing along said west line a
4 distance of 1083.06 feet to a point for corner, being in County Road
5 2595 and being the southeast corner of said tract recorded in Volume
6 1184, Page 73;

7 THENCE South 89°53'25" West along the south line of said tract
8 recorded in Volume 1184, Page 73 and the north line of a tract
9 described by deed to Brandy Kent Maynard in Volume 956, Page 460,
10 Deed Records, Hunt County, Texas, a distance of 1480.58 feet to a
11 point for corner, being the northwest corner of said Maynard tract
12 and the northeast corner of said tract of land recorded by deed in
13 Volume 1184, Page 59;

14 THENCE South 00°38'57" East along the west line of said
15 Maynard tract and a tract of land described by deed to John
16 Carpenter in Volume 956, Page 452, Deed Records, Hunt County,
17 Texas, a distance of 962.74 feet to a point for corner;

18 THENCE South 00°38'44" East continuing along said properties,
19 a distance of 1768.37 feet to a point for corner, being the
20 southeast corner of said tract of land recorded by deed in Volume
21 1184, Page 59 and being in County Road 2526;

22 THENCE South 89°46'54" West along the south line of said tract
23 of land recorded by deed in Volume 1184, Page 59 and said County
24 Road, a distance of 860.80 feet to a point for corner, being the
25 southwest of said tract and being the southeast corner of said tract
26 of land recorded by deed in Volume 1184, Page 36;

27 THENCE in a westerly direction along the south line of said

1 tract of land recorded by deed in Volume 1184, Page 36 and with said
2 County Road: South 87°54'36" West a distance of 297.64 feet to a
3 point for corner; North 84°13'06" West a distance of 213.00 feet to a
4 point for corner; South 87°46'54" West a distance of 358.00 feet to a
5 point for corner, being the southwest corner of said tract of land
6 recorded by deed in Volume 1184, Page 36 and the being in the east
7 line of said tract of land recorded in Volume 1184 Page 50;

8 THENCE South 00°22'13" East along the east line of said tract
9 of land recorded in Volume 1184 Page 50, a distance of 19.89 feet to
10 a point for corner, being the southeast corner of said tract;

11 THENCE South 89°27'03" West along the south line of said
12 tract, a distance of 821.50 feet to a point for corner, being the
13 southwest corner of said tract of land recorded in Volume 1184, Page
14 50 and being the southeast corner of said tract of land recorded in
15 Volume 1184, Page 41;

16 THENCE South 89°27'03" West continuing along said south line,
17 a distance of 1336.90 feet to a point for corner, being the
18 southwest corner of said tract and the southeast corner of a tract
19 of land known as Hill Estate as recorded by plat in Volume A, Page
20 52, Plat Records, Hunt County, Texas and being the southwest corner
21 of said tract of land recorded in Volume 1184, Page 41;

22 THENCE North 01°28'22" West along the east line of said Hill
23 Estate, the west line of said tract of land recorded in Volume 1184,
24 Page 41, and leaving said County Road, a distance of 1899.51 feet to
25 a point for corner, being the northeast corner of said Hill Estate
26 and in the south line of said tract of land recorded in Volume 1184,
27 Page 45;

1 THENCE South 89°37'28" West along the south line of said tract
2 of land recorded in Volume 1184, Page 45 and the north line of said
3 Hill Estate, a distance of 2195.58 feet to a point for corner, being
4 the southwest corner line of said tract of land recorded in Volume
5 1184, Page 45 and being in the east line of a tract of land described
6 by deed to Clark Baldwin as recorded in Volume 772, Page 209, Deed
7 Records Hunt County, Texas;

8 THENCE North 00°15'40" West long the east line of the Clark
9 Baldwin tract, a tract of land described by deed to A. B. Fenton
10 recorded in Volume 634, Page 219, Deed Records, Hunt County, Texas,
11 and a tract of land described by deed to Mariana G. Daffron as
12 recorded in Volume 771, Page 515, Hunt County, Texas, a distance of
13 1902.70 feet to a point for corner, being the northwest corner of
14 said tract of land recorded in Volume 1184, Page 45 and being in
15 County Road 2595;

16 THENCE North 89°57'07" East with said County Road and along
17 the south line of the tract of land described by deed to Jimmy Joe
18 Herndon as recorded Volume 515, Page 292, Deed Records, Hunt
19 County, Texas, a distance of 1988.16 feet to a point for corner,
20 being in the north line of said tract of land recorded in Volume
21 1184, Page 36, being the southeast corner of said Herndon tract, and
22 being the southwest corner of said tract of land recorded in Volume,
23 1184 Page 54;

24 THENCE North 00°17'49" West leaving said County Road and along
25 the west line of said tract of land recorded in Volume 1184 Page 54
26 and the east line of the said Herndon tract, a distance of 1807.59
27 feet to a point for corner, being the southeast corner of said tract

1 of land recorded in Volume 1184, Page 68 and the northeast corner of
2 said Herndon tract;

3 THENCE South 89°37'15" West leaving the west line of said
4 tract of land recorded in Volume 1184, Page 54 and along the said
5 Herndon tract and along the north line of the tracts of land
6 described by deed to Jimmy Joe Herndon as recorded in Volume 390,
7 Page 584, and Volume 57, Page 513, Deed Records, Hunt County, Texas
8 and along the south line of said tract of land recorded in Volume
9 1184, Page 68 and south line of said tract of land recorded in
10 Volume 1184, Page 32, a distance of 3880.16 feet to a point for
11 corner, being the southwest corner of said tract of land recorded in
12 Volume 1184, Page 32 and being in the east right-of-way line of Farm
13 to Market Road 35;

14 THENCE North 25°20'14" West along east line of said F.M. Road
15 and along the west line of said tract of land recorded in Volume
16 1184, Page 32, a distance of 547.80 feet to a point for corner;

17 THENCE North 00°37'50" West continuing along said lines, a
18 distance of 197.10 feet to a point for corner, being the northwest
19 corner of said tract of land recorded in Volume 1184, Page 32, the
20 southwest corner of a tract of land described to Carlton C. White,
21 Inc. as recorded in Volume 269, Page 489, Deed Records, Hunt County,
22 Texas;

23 THENCE North 89°13'10" East along the south line of said White
24 tract and the north line of said tract of land recorded in Volume
25 1184, Page 32, a distance of 2550.67 feet to a point for corner,
26 being the southeast corner of the White tract, the northeast corner
27 of said tract of land recorded in Volume 1184, Page 32 and in the

1 east line of said tract of land recorded in Volume 1184, Page 68;

2 THENCE North 00°16'55" East along the east line of the White
3 tract and the west line of said tract of land recorded in Volume
4 1184, Page 68, a distance of 2014.42 feet to a point for corner,
5 being in the south line of said tract of land recorded in Volume
6 1184, Page 63;

7 THENCE South 88°53'22" West continuing along north line of
8 said White tract and the south line of said tract of land recorded
9 in Volume 1184 Page 63, a distance of 991.00 feet to a point for
10 corner, being the southwest corner of said tract of land recorded in
11 Volume 1184, Page 63 and the southeast corner of said McCall tract;

12 THENCE North 01°06'57" West along west line of said tract of
13 land recorded in Volume 1184, Page 63 and the east line of said
14 McCall tract, a distance of 942.94 feet to the POINT OF BEGINNING
15 and containing 960.90 acres of land, more or less.

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

23 (b) The governor, one of the required recipients, has
24 submitted the notice and Act to the Texas Commission on
25 Environmental Quality.

26 (c) The Texas Commission on Environmental Quality has filed
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this
4 state and the rules and procedures of the legislature with respect
5 to the notice, introduction, and passage of this Act are fulfilled
6 and accomplished.

7 SECTION 4. (a) Section 8363.107, Special District Local
8 Laws Code, as added by Section 1 of this Act, takes effect only if
9 this Act receives a two-thirds vote of all the members elected to
10 each house.

11 (b) If this Act does not receive a two-thirds vote of all the
12 members elected to each house, Subchapter C, Chapter 8363, Special
13 District Local Laws Code, as added by Section 1 of this Act, is
14 amended by adding Section 8363.107 to read as follows:

15 Sec. 8363.107. NO EMINENT DOMAIN POWER. The district may
16 not exercise the power of eminent domain.

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

20 SECTION 5. Except as provided by Section 4 of this Act:

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

24 (2) if this Act does not receive the vote necessary for
25 immediate effect, this Act takes effect September 1, 2011.