

By: Watson

S.B. No. 1914

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Southeast Travis County Municipal Utility District No. 2; 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____. SOUTHEAST TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT

NO. 2

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 Southeast Travis County Municipal Utility District No. 2.

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 8____.003

1 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]

1 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

6 Sec. 8____.052. TEMPORARY DIRECTORS.

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

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

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

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

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

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

26 (2) the fourth anniversary of the date of the
27 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 has
11 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 from
27 the commission as required by Section 54.234, Water Code.

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

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 8____.151. ELECTIONS REGARDING TAXES OR BONDS.

3 (a) The district may issue, without an election, bonds and other
4 obligations secured by:

5 (1) revenue other than ad valorem taxes; or

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

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

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

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

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

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

27 (b) A contract approved by the district voters may contain a

1 provision stating that the contract may be modified or amended by
2 the board without further voter approval.

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

4 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

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

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

22 SECTION 2. The Southeast Travis County Municipal Utility
23 District No. 2 initially includes all the territory contained in
24 the following area:

25 BEING ALL OF THAT CERTAIN TRACT OF LAND OUT OF AND A PART OF
26 THE JOSE ANTONIO NAVARRO SURVEY, ABSTRACT NUMBER 18, SITUATED IN
27 TRAVIS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING A PORTION

1 OF THAT CERTAIN 290.812 ACRE TRACT OF LAND CONVEYED TO QUALICO CR,
2 LP IN DOCUMENT NUMBER 2007160468 AND ALSO BEING A PORTION OF THAT
3 CERTAIN 49.020 ACRE TRACT OF LAND CONVEYED TO CENTURY RANCH I, LP IN
4 DOCUMENT NUMBER 2010119927 AND ALSO BEING ALL OF THAT CERTAIN 4.022
5 ACRE TRACT OF LAND CONVEYED TO QUALICO CR, LP IN DOCUMENT NUMBER
6 2007160468 AND ALSO BEING ALL OF THAT CERTAIN 95.733 ACRE TRACT OF
7 LAND CONVEYED TO QUALICO CR, LP IN DOCUMENT NUMBER 2007154323 AND
8 ALSO BEING ALL OF THAT CERTAIN 73.515 ACRE TRACT OF LAND CONVEYED TO
9 QUALICO CR, LP IN DOCUMENT NUMBER 2008139824 AND ALSO BEING ALL OF
10 THAT CERTAIN 49.021 ACRE TRACT OF LAND CONVEYED TO QUALICO CR, LP IN
11 DOCUMENT NUMBER 2009141318 AND ALSO BEING A PORTION OF THAT CERTAIN
12 49.021 ACRE TRACT OF LAND CONVEYED TO QUALICO CR, LP IN DOCUMENT
13 NUMBER 2010119926 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
14 TEXAS, SAID TRACT BEING 475.159 ACRES OF LAND BEING MORE FULLY
15 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

16 BEGINNING, at a capped iron rod found at the southeast corner
17 of said 95.733 acre tract, also being the southwest of said 4.022
18 acre tract also being a point on the northern right-of-way line of
19 Pearce Lane, a varying width public right-of-way, for the southerly
20 line and POINT OF BEGINNING of the herein described tract,

21 THENCE, with the northern right-of-way line of said Pearce
22 Lane and the southern boundary line of said 95.733 acre Qualico CR,
23 LP tract the following seven (7) courses and distances, numbered 1
24 through 7,

25 1. N64°40'44"W, a distance of 1194.42 feet to an iron rod
26 found,

27 2. N85°36'44"W, a distance of 13.29 feet to an iron rod

1 found,

2 3. N07°39'01"E, a distance of 5.00 feet to an iron rod
3 found,

4 4. N64°36'43"W, a distance of 245.18 feet to an iron rod
5 found at a point of curvature to the right,

6 5. With said curve to the right having a radius of
7 9757.39 feet, an arc length of 498.25 feet and whose chord bears,
8 N62°54'51"W, a distance of 498.19 feet to an iron rod found,

9 6. N61°02'28"W, a distance of 1090.04 feet to a capped
10 iron rod found at a point of curvature to the right,

11 7. With said curve to the right having a radius of
12 5314.70 feet, an arc length of 79.60 feet and whose chord bears,
13 N60°39'14"W, a distance of 79.60 feet to a capped iron rod found at
14 the southeast boundary corner of a 2.92 acre tract of land conveyed
15 to Pablo T. Rodriguez and Ana M. Rodriguez recorded with ID Number
16 297631 of the Official Public Records of Travis County, Texas for
17 the southeast corner of the herein described tract,

18 THENCE, leaving the northern right-of-way line of said Pearce
19 Lane and along the common boundary line of said 95.733 acre Qualico
20 CR, LP tract, said 73.515 acre tract and said 2.92 acre tract,
21 N22°16'28"E, a distance of 1672.61 feet to an iron rod found at the
22 southeast property corner of a 230.56 acre tract of land conveyed to
23 AE Johanson LTD., recorded with ID Number 297614 of the Official
24 Public Records of Travis County, Texas,

25 THENCE, with the common boundary line said 230.56 acre tract
26 and said 73.515 acre Qualico CR, LP tract the following two (2)
27 courses and distances, numbered 1 and 2,

1 1. N27°20'48"E, a distance of 492.76 feet to an iron rod
2 found,

3 2. N27°20'09"E, a distance of 493.30 feet to an pipe
4 found at the southwest property corner of a 4.288 acre tract of land
5 conveyed to Heliodoro Reyes and Aquilino Cruz recorded with ID
6 Number 297656 of the Official Public Records of Travis County,
7 Texas,

8 THENCE, with the common boundary line of said 73.515 acre
9 Qualico CR, LP tract and said 4.288 acre tract and a 4.549 acre
10 tract of land conveyed to Raymundo Constancio recorded with ID
11 Number 297638 of the Official Public Records of Travis County,
12 Texas, S62°41'21"E, a distance of 1053.43 feet to an iron rod found
13 at the westerly boundary line of a 149.50 acre tract of land
14 conveyed to Danlandco, LTD., recorded in Volume 12849, Page 602 of
15 the Official Public Records of Travis County, Texas,

16 THENCE, with the common boundary line of said 73.515 acre
17 Qualico CR, LP tract and said 149.50 acre tract, S27°16'12"W, a
18 distance of 420.94 feet to a point at the westerly property corner
19 of said 49.021 acre Qualico CR, LP tract, recorded in Document No.
20 2009141318 of the Official Public Records of Travis County, Texas,

21 THENCE, with the common boundary line of said 149.50 acre
22 tract and said 49.021 acre Qualico CR, LP tract and meanders with
23 the creek the following twenty (20) courses and distances, numbered
24 1 through 20,

- 25 1. S65°52'11"E, a distance of 146.51 feet to a point,
26 2. S78°52'45"E, a distance of 183.75 feet to a point,
27 3. S87°04'30"E, a distance of 94.84 feet to a point,

1 4. N74°52'33"E, a distance of 228.09 feet to a point,
2 5. S71°55'39"E, a distance of 35.48 feet to a point,
3 6. N65°28'54"E, a distance of 109.08 feet to a point,
4 7. S85°58'17"E, a distance of 118.84 feet to a point,
5 8. N79°36'57"E, a distance of 55.58 feet to a point,
6 9. S76°05'41"E, a distance of 184.39 feet to a point,
7 10. N42°02'49"E, a distance of 91.77 feet to a point,
8 11. N70°25'47"E, a distance of 76.81 feet to a point,
9 12. N85°41'37"E, a distance of 87.02 feet to a point,
10 13. S66°58'18"E, a distance of 134.03 feet to a point,
11 14. N62°00'42"E, a distance of 35.56 feet to a point,
12 15. N04°49'48"E, a distance of 83.72 feet to a point,
13 16. N24°49'58"E, a distance of 69.43 feet to a point,
14 17. N63°40'55"E, a distance of 65.81 feet to a point,
15 18. N83°34'57"E, a distance of 59.77 feet to a point,
16 19. S57°51'02"E, a distance of 89.45 feet to a point,
17 20. S81°54'18"E, a distance of 212.36 feet to a point on
18 the easterly boundary line of said 149.50 acre tract and at the
19 south westerly property corner of said 49.021 acre Qualico CR, LP
20 tract recorded in Document No. 2010119926 same being the most
21 northerly property corner of said 49.021 acre Qualico CR, LP tract
22 recorded in Document No. 2008139824 all of the Official Public
23 Records of Travis County, Texas,

24 THENCE, with the common boundary line of said 49.021 acre
25 Qualico CR, LP tract recorded in Document No. 2010119926 of the
26 Official Public Records of Travis County, Texas and said 149.50
27 acre tract, N89°48'04"E, a distance of 79.85 feet to a point on the

1 easterly boundary line of a 115.00 acre tract of land conveyed to
2 Danlandco, LTD., recorded in Volume 12839, Page 791 of the Official
3 Public Records of Travis County, Texas,

4 THENCE, with the common boundary line of said 149.50 acre
5 tract and said 49.020 acre Century Ranch I, LP tract and said 49.021
6 acre Qualico CR, LP tract recorded in Document No. 2010119926 of the
7 Official Public Records of Travis County, Texas and meanders with
8 the creek the following twenty six (26) courses and distances,
9 numbered 1 through 26,

- 10 1. N68°48'09"E, a distance of 70.70 feet to a point,
- 11 2. N32°18'18"E, a distance of 58.65 feet to a point,
- 12 3. S83°08'38"E, a distance of 68.94 feet to a point,
- 13 4. N59°25'36"E, a distance of 100.62 feet to a point,
- 14 5. N30°36'04"E, a distance of 128.12 feet to a point,
- 15 6. N16°59'56"E, a distance of 108.76 feet to a point,
- 16 7. N00°18'16"E, a distance of 73.73 feet to a point,
- 17 8. N28°22'18"W, a distance of 98.35 feet to a point,
- 18 9. N50°03'12"E, a distance of 134.33 feet to a point,
- 19 10. N17°07'53"W, a distance of 104.77 feet to a point,
- 20 11. N17°58'32"E, a distance of 100.64 feet to a point,
- 21 12. N62°01'43"E, a distance of 80.07 feet to a point,
- 22 13. N23°05'24"E, a distance of 52.33 feet to a point,
- 23 14. N02°42'46"W, a distance of 142.46 feet to a point,
- 24 15. N23°29'54"W, a distance of 96.37 feet to a point,
- 25 16. N32°44'57"E, a distance of 103.55 feet to a point,
- 26 17. N24°04'26"E, a distance of 321.89 feet to a point,
- 27 18. N56°22'04"E, a distance of 270.51 feet to a point,

1 19. N79°08'51"E, a distance of 138.45 feet to a point,
2 20. S60°42'38"E, a distance of 61.41 feet to a point,
3 21. S80°00'53"E, a distance of 190.79 feet to a point,
4 22. S48°03'50"E, a distance of 24.33 feet to a point,
5 23. S79°48'01"E, a distance of 65.40 feet to a point,
6 24. S67°01'03"E, a distance of 186.92 feet to a point,
7 25. S09°51'34"E, a distance of 47.71 feet to a point,
8 26. S20°33'35"W, a distance of 28.59 feet to a point at
9 the southeast property corner of said 115.00 acre tract same being
10 the northerly boundary line of said 49.020 acre tract and the
11 westerly boundary line of said 290.812 acre tract,

12 THENCE, with the common boundary line of said 115.00 acre
13 tract and said 290.812 acre tract, N27°39'15"E, a distance of 152.76
14 feet to a point at the southwest property corner of a 130.50 acre
15 tract of land conveyed to John Richards Jr., recorded in Volume
16 2807, Page 382 of the Official Public Records of Travis County,
17 Texas,

18 THENCE, with the common boundary line of said 290.812 acre
19 Qualico CR, LP tract and said 130.50 acre tract the following seven
20 (7) courses and distances, numbered 1 through 7,

21 1. S69°10'47"E, a distance of 687.67 feet to a point,
22 2. S62°30'03"E, a distance of 161.88 feet to a point,
23 3. S61°10'38"E, a distance of 87.12 feet to a point,
24 4. S59°53'21"E, a distance of 223.25 feet to a point,
25 5. S51°14'10"E, a distance of 323.72 feet to a point,
26 6. S50°08'52"E, a distance of 97.37 feet to a point,
27 7. S52°41'23"E, a distance of 263.41 feet to a point at

1 the southeast property corner of said 130.50 acre tract and also
2 being on the westerly boundary line of a 93.26 acre tract of land
3 conveyed to Amye Haws recorded in Volume 6499, Page 1532, of the
4 Official Public Records of Travis County, Texas,

5 THENCE, crossing said 290.812 acre Qualico CR, LP tract and
6 said 49.020 acre Century Ranch I, LP tract the following nineteen
7 (19) courses and distances, numbered 1 through 19,

8 1. S27°26'16"E, a distance of 785.97 feet to a point of
9 curvature to the right,

10 2. With said curve to the right having a radius of
11 1143.00 feet, an arc length of 397.93 feet and whose chord bears,
12 S37°24'41"W, a distance of 395.93 feet to an capped iron rod found,

13 3. S20°32'37"W, a distance of 151.41 feet to a point,

14 4. S22°14'54"W, a distance of 56.10 feet to a point,

15 5. S40°50'46"E, a distance of 58.27 feet to a point,

16 6. S08°11'43"W, a distance of 668.26 feet to a point,

17 7. S16°31'07"W, a distance of 26.41 feet to a point,

18 8. S14°09'53"W, a distance of 488.10 feet to a point,

19 9. S50°01'31"W, a distance of 223.20 feet to a point,

20 10. S80°38'54"W, a distance of 302.42 feet to a capped
21 iron rod found,

22 11. S56°53'58"W, a distance of 523.33 feet at a capped
23 iron rod found continuing a total distance of 865.12 feet to a
24 capped iron rod found,

25 12. S40°56'29"W, a distance of 382.51 feet at a capped
26 iron rod found continuing a total distance of 469.43 feet to a
27 capped iron rod found, at a point of curvature to the right,

1 13. With said curve to the right having a radius of
2 1143.00 feet, an arc length of 152.95 feet and whose chord bears,
3 S30°08'09"W, a distance of 152.84 feet to a capped iron rod found,
4 14. S33°58'10"W, a distance of 25.37 feet to an capped
5 iron rod found and point of curvature to the left,
6 15. With said curve to the left having a radius of 20.00
7 feet, an arc length of 31.42 feet and whose chord bears,
8 S11°01'50"E, a distance of 28.28 feet to an capped iron rod found,
9 16. S56°01'50"E, a distance of 475.38 feet to a point of
10 curvature to the right,
11 17. With said curve to the right having a radius of
12 535.00 feet, an arc length of 228.96 feet and whose chord bears,
13 S43°46'14"E, a distance of 227.21 feet to a point,
14 18. S31°30'38"E, a distance of 170.81 feet to a point,
15 19. S28°02'07"W, a distance of 720.75 feet to a point on
16 the northern right-of-way line of said Pearce Lane,
17 THENCE, with the common boundary line of said 290.812 acre
18 Qualico CR, LP tract and the northern right-of-way line of said
19 Pearce Lane, the following six (6) courses and distances, numbered
20 1 through 6,
21 1. N61°59'58"W, a distance of 136.87 feet to a point of
22 curvature to the right,
23 2. With said curve to the right having a radius of
24 7861.27 feet, an arc length of 292.21 feet and whose chord bears,
25 N60°55'19"W, a distance of 292.20 feet to a point,
26 3. N59°52'27"W, a distance of 419.81 feet to an capped
27 iron rod found and point of curvature to the left,

1 4. With said curve to the left having a radius of
2 6565.50 feet, an arc length of 553.32 feet and whose chord bears,
3 N62°17'18"W, a distance of 553.15 feet to an iron rod found,

4 5. N64°43'45"W, a distance of 536.71 feet to an iron rod
5 found at the southeast property corner of said 4.022 acre tract and

6 6. N64°43'44"W, a distance of 394.63 feet to the POINT OF
7 BEGINNING and containing 475.159 acres of land,

8 SECTION 3. (a) The legal notice of the intention to
9 introduce this Act, setting forth the general substance of this
10 Act, has been published as provided by law, and the notice and a
11 copy of this Act have been furnished to all persons, agencies,
12 officials, or entities to which they are required to be furnished
13 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
14 Government Code.

15 (b) The governor, one of the required recipients, has
16 submitted the notice and Act to the Texas Commission on
17 Environmental Quality.

18 (c) The Texas Commission on Environmental Quality has filed
19 its recommendations relating to this Act with the governor, the
20 lieutenant governor, and the speaker of the house of
21 representatives within the required time.

22 (d) All requirements of the constitution and laws of this
23 state and the rules and procedures of the legislature with respect
24 to the notice, introduction, and passage of this Act are fulfilled
25 and accomplished.

26 SECTION 4. (a) Section 8____.106, Special District Local
27 Laws Code, as added by Section 1 of this Act, takes effect only if

1 this Act receives a two-thirds vote of all the members elected to
2 each house.

3 (b) If this Act does not receive a two-thirds vote of all
4 members elected to each house, Subchapter C, Chapter 8____, Special
5 District Local Laws Code, as added by Section 1 of this Act, is
6 amended by adding Section 8____.106 to read as follows:

7 Section 8____.106. NO EMINENT DOMAIN POWER. The District
8 may not exercise the power of eminent domain.

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

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

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

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