

By: Williams

S.B. No. 624

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 137; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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 8421 to read as follows:

CHAPTER 8421. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 137

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8421.001. 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 Montgomery County Municipal Utility District No. 137.

Sec. 8421.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8421.003. 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.

1       Sec. 8421.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 8421.003  
3 until each municipality in whose corporate limits or  
4 extraterritorial jurisdiction the district is located has  
5 consented by ordinance or resolution to the creation of the  
6 district and to the inclusion of land in the district.

7       Sec. 8421.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
8 The district is created to serve a public purpose and benefit.

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

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

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

16       Sec. 8421.006. INITIAL DISTRICT TERRITORY. (a) The  
17 district is initially composed of the territory described by  
18 Section 2 of the Act enacting this chapter.

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

23           (1) organization, existence, or validity;

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

27           (3) right to impose a tax; or

1           (4) legality or operation.

2                   SUBCHAPTER B. BOARD OF DIRECTORS

3           Sec. 8421.051. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 8421.052, directors serve  
6 staggered four-year terms.

7           Sec. 8421.052. TEMPORARY DIRECTORS. (a) The temporary  
8 board consists of:

9                   (1) Deborah Hamilton Arterburn;

10                   (2) Christina Eliasha Cole;

11                   (3) Jared Sean Fargo;

12                   (4) Aimee Ordeneaux Raley; and

13                   (5) Robert Wempe.

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

15                   (1) the date permanent directors are elected under  
16 Section 8421.003; or

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

19           (c) If permanent directors have not been elected under  
20 Section 8421.003 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 8421.003; 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                   SUBCHAPTER C. POWERS AND DUTIES

9       Sec. 8421.101. 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. 8421.102. 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. 8421.103. 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. 8421.104. 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, zoning and  
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. 8421.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
10 OR RESOLUTION. The district shall comply with all applicable  
11 requirements of any ordinance or resolution that is adopted under  
12 Section 54.016 or 54.0165, Water Code, and that consents to the  
13 creation of the district or to the inclusion of land in the  
14 district.

15               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16       Sec. 8421.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
17 district may issue, without an election, bonds and other  
18 obligations secured by:

- 19               (1) revenue other than ad valorem taxes; or  
20               (2) contract payments described by Section 8421.153.

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

25       (c) The district may not issue bonds payable from ad valorem  
26 taxes to finance a road project unless the issuance is approved by a  
27 vote of a two-thirds majority of the district voters voting at an

1 election held for that purpose.

2 Sec. 8421.152. OPERATION AND MAINTENANCE TAX. (a) If  
3 authorized at an election held under Section 8421.151, the district  
4 may impose an operation and maintenance tax on taxable property in  
5 the district in accordance with Section 49.107, Water Code.

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

8 Sec. 8421.153. CONTRACT TAXES. (a) In accordance with  
9 Section 49.108, Water Code, the district may impose a tax other than  
10 an operation and maintenance tax and use the revenue derived from  
11 the tax to make payments under a contract after the provisions of  
12 the contract have been approved by a majority of the district voters  
13 voting at an election held for that purpose.

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

17 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

18 Sec. 8421.201. AUTHORITY TO ISSUE BONDS AND OTHER  
19 OBLIGATIONS. The district may issue bonds or other obligations  
20 payable wholly or partly from ad valorem taxes, impact fees,  
21 revenue, contract payments, grants, or other district money, or any  
22 combination of those sources, to pay for any authorized district  
23 purpose.

24 Sec. 8421.202. TAXES FOR BONDS. At the time the district  
25 issues bonds payable wholly or partly from ad valorem taxes, the  
26 board shall provide for the annual imposition of a continuing  
27 direct ad valorem tax, without limit as to rate or amount, while all

1 or part of the bonds are outstanding as required and in the manner  
2 provided by Sections 54.601 and 54.602, Water Code.

3 Sec. 8421.203. BONDS FOR ROAD PROJECTS. At the time of  
4 issuance, the total principal amount of bonds or other obligations  
5 issued or incurred to finance road projects and payable from ad  
6 valorem taxes may not exceed one-fourth of the assessed value of the  
7 real property in the district.

8 SECTION 2. The Montgomery County Municipal Utility District  
9 No. 137 initially includes all the territory contained in the  
10 following area:

11 A METES AND BOUNDS description of a 500.9 acre tract of land  
12 situated in the Joseph Miller Survey, Abstract No. 27 and the James  
13 Brown Survey, Abstract No. 78 of Montgomery County, Texas; being  
14 all of Tracts 1 through 7 conveyed to Venton L. Doughtie, Jr., by  
15 Deed, as filed for record under Volume 724, Page 836 of the  
16 Montgomery County Deed Records; said 500.9 acre tract being more  
17 particularly described as follows with all bearings being based on  
18 the Texas Coordinate System, Central Zone, NAD 83:

19 BEGINNING at the northwest corner of said Tract 7 in the south  
20 line of a called 20 acre tract conveyed to J.J. Hubenak and wife,  
21 Shirley Fay Hubenak by Warranty Deed with Vendor's Lien as file for  
22 record under Volume 597, Page 165 of the Montgomery County Deed  
23 Records and being the northeast corner of a called 16.92 acre tract  
24 conveyed to Gale Philip Clee by General Warranty Deed as filed for  
25 record under Volume 677, Page 914 of the Montgomery County Deed  
26 Records;

27 THENCE, North 87°57'51" East, 1375.35 feet along the north

1 line of said Tract 7 to a found 1/2-inch iron rod in asphalt for the  
2 northeast corner of said Tract 7;

3       THENCE, South 01°02'09" East, 570.46 feet along the east line  
4 of said Tract 7 and the west right-of-way of Dry Creek Road to a set  
5 5/8-inch iron rod (with cap stamped "Cotton Surveying") in the  
6 south right of Standard Road (width varies) as filed for record  
7 under Clerk's File No. 8534576 of the Montgomery County Official  
8 Public Records of Real Property;

9       THENCE, in a northeast direction, along the south  
10 right-of-way of said Standard Road, with the arc of a curve to the  
11 right, having a radius of 3037.94 feet, a central angle of  
12 04°48'54", an arc length of 255.30 feet, and a chord bearing North  
13 87°29'06" East,, 255.23 feet to a set 5/8-inch iron rod (with cap  
14 stamped "Cotton Surveying");

15       THENCE, North 89°53'33" East, 1694.22 feet continuing along  
16 the south right-of-way of said Standard Road to a set 5/8-inch iron  
17 rod (with cap stamped "Cotton Surveying"), from which a found  
18 5/8-inch iron rod bears North 05°27'48" East, 2.82 feet;

19       THENCE, in a northeast direction, with the arc of a curve to  
20 the left, having a radius of 882.88 feet, a central angle of  
21 06°42'29", an arc length of 103.37 feet, and a chord bearing North  
22 86°32'18" East, 103.31 feet to a found 5/8-inch iron rod for the  
23 northwest corner of a called 1.022 acre tract conveyed to Randy Dale  
24 Ware by Warranty Deed as filed for record under Clerk's File No.  
25 2010098867 of the Montgomery County Official Public Records of Real  
26 Property and being the northwest corner of Springwood Estates,  
27 Section 1 (unrecorded);



1           THENCE, South 02°00'53" East, along the west line of said  
2 Springwood Estates, Section 1, at 766.49 feet passing a found  
3 5/8-inch iron rod for the northwest corner of a called 2.003 acre  
4 tract conveyed to Michael G. Meek and wife Diana Meek as filed for  
5 record under Volume 1113, Page 176 of Montgomery County Deed  
6 Records, at 934.83 feet passing a 1 1/2-inch iron pipe for the  
7 northwest corner of a tract containing all of Lot 7 and a part of  
8 Lot 8 conveyed to Robert Barton and wife Amy L. Barton by Warranty  
9 Deed with Vendor's Lien as filed for record under Clerk's File No.  
10 9515955 of the Montgomery County Official Public Records of Real  
11 Property, at 1137.52 feet passing a found 1 1/2-inch iron pipe, at  
12 1137.89 feet. 0.13 feet right passing a found 5/8-inch iron rod, at  
13 1508.84 feet passing a found 5/8-inch iron rod for the northwest  
14 corner of a called 2.1501 acre tract conveyed to Donald R. Midkiff  
15 and wife Shirley Midkiff by Warranty Deed as filed for record under  
16 Volume 1115, Page 125 of the Montgomery County Deed Records,  
17 continuing for a total distance of 1688.79 feet to a found concrete  
18 monument for the southwest corner of said 2.1501 acre tract, the  
19 southwest corner of said Springwood Estates, Section 1, in the north  
20 line of Lot 26 of Springwood Estates, Section 2 conveyed to Shelly  
21 Huckaby by Warranty Deed as filed for record under Clerk's File No.  
22 2006-023346 of the Montgomery County Official Public Records of  
23 Real Property;

24           THENCE, South 87°37'23" West, along the north line of said  
25 Springwood Estates, Section 2, at 100.09 feet passing a found  
26 5/8-inch iron rod for the northwest corner of said Lot 26 and the  
27 northeast corner of a called 1.8499 acre tract conveyed to Bradley

1 A. Johnson by Warranty Deed as filed for record under Clerk's File  
2 No. 9634196 of the Montgomery County Official Public Records of  
3 Real Property, at 394.78 feet, 0.30 feet left passing a found  
4 5/8-inch iron rod and continuing for a total distance of 588.38 feet  
5 to a set 5/8-inch iron rod (with cap stamped "Cotton Surveying")  
6 from which a found nail (bent) bears North 25°40' West, 2.87 feet and  
7 a found Axle for the northwest corner of said Tract 4 bears South  
8 87°37'23" West, 602.52 feet;

9       THENCE, South 03°18'25" East, along the west line of said  
10 Springwood Estates Section 2, at 143.55 feet passing a found  
11 5/8-inch iron rod for the northwest corner of a called 2.8114 acre  
12 tract conveyed to Michael W. Allen and wife Kathy Allen by General  
13 Warranty Deed with Vendor's Lien as filed for record under Clerk's  
14 File No. 2001-101668 of the Montgomery County Official Public  
15 Records of Real Property, at 617.85 feet, 0.62 feet left passing a  
16 found 5/8-inch iron rod, at 818.78 feet passing a found 5/8-inch  
17 iron rod for the northwest corner of a called 3.4 acre tract  
18 conveyed to Donald Midkiff and wife Shirley Midkiff by Warranty  
19 Deed as file for record under Clerk's File No. 99011347 of the  
20 Montgomery County Official Public Records of Real Property, at  
21 1058.51 feet, 0.28 feet left passing a found 5/8-inch iron rod, at  
22 1499.73 feet passing a found 5/8-inch iron rod for the northwest  
23 corner of a called 1.0500 acre tract conveyed to Montgomery County,  
24 Texas by Warranty Deed as file for record under Clerk's File No.  
25 9569816 of the Montgomery County Official Public Records of Real  
26 Property, and continuing for a total distance of 2035.72 feet to a  
27 point in the centerline of Spring Creek;

1           THENCE, along the meanders of the centerline of Spring Creek  
2 the following courses and distances:  
3 1. South 64°37'47" West, 45.82 feet to a point;  
4 2. South 20°42'36" West, 107.16 feet to a point;  
5 3. South 60°34'50" West, 52.22 feet to a point;  
6 4. South 86°56'10" West, 153.14 feet to a point;  
7 5. North 46°17'30" West, 172.35 feet to a point;  
8 6. North 84°29'19" West, 113.48 feet to a point;  
9 7. South 75°36'55" West, 69.93 feet to a point;  
10 8. South 39°43'46" West, 295.96 feet to a point;  
11 9. South 42°29'34" West, 121.65 feet to a point;  
12 10. South 24°21'30" West, 171.48 feet to a point;  
13 11. South 46°07'02" West, 374.25 feet to a point;  
14 12. South 02°38'20" East, 54.32 feet to a point;  
15 13. South 18°34'57" East, 145.37 feet to a point;  
16 14. South 62°36'46" East, 13.16 feet to a point;  
17 15. South 19°27'39" East, 47.27 feet to a point;  
18 16. South 56°55'21" West, 42.55 feet to a point;  
19 17. South 80°40'29" West, 27.74 feet to a point;  
20 18. North 75°34'20" West, 60.34 feet to a point;  
21 19. North 45°24'17" West, 92.21 feet to a point;  
22 20. South 69°37'01" West, 122.47 feet to a point;  
23 21. South 01°52'10" West, 80.77 feet to a point;  
24 22. South 47°53'22" West, 257.25 feet to a point;  
25 23. South 62°49'43" West, 107.87 feet to a point;  
26 24. South 70°51'08" West, 113.74 feet to a point;  
27 25. South 47°54'19" East, 39.09 feet to a point;

- 1 26. South  $33^{\circ}56'40''$  East, 40.49 feet to a point;
- 2 27. South  $19^{\circ}44'57''$  East, 215.80 feet to a point;
- 3 28. In a southwest direction, with the arc of said curve to the  
4 right, having a radius of 112.17 feet, a central angle of  $89^{\circ}09'41''$ ,  
5 an arc length of 174.55 feet, and a chord bearing South  $16^{\circ}35'46''$   
6 West, 157.46 feet;
- 7 29. South  $78^{\circ}20'54''$  West, 127.86 feet to a point;
- 8 30. South  $62^{\circ}48'04''$  West, 67.77 feet to a point;
- 9 31. South  $43^{\circ}07'36''$  West, 199.77 feet to a point;
- 10 32. South  $11^{\circ}09'17''$  West, 224.55 feet to a point;
- 11 33. South  $16^{\circ}52'24''$  West, 81.16 feet to a point;
- 12 34. South  $16^{\circ}13'30''$  East, 66.10 feet to a point;
- 13 35. South  $03^{\circ}02'55''$  West, 577.13 feet to a point;
- 14 36. South  $02^{\circ}51'05''$  East, 65.04 feet to a point;
- 15 37. South  $11^{\circ}08'15''$  West, 109.37 feet to a point;
- 16 38. South  $38^{\circ}39'44''$  West, 78.65 feet to a point;
- 17 39. South  $47^{\circ}30'41''$  West, 136.45 feet to a point;
- 18 40. South  $39^{\circ}01'15''$  West, 183.90 feet to a point;
- 19 41. North  $77^{\circ}44'05''$  West, 78.71 feet to a point;
- 20 42. South  $60^{\circ}20'13''$  West, 44.60 feet to a point;
- 21 43. South  $30^{\circ}10'19''$  West, 101.61 feet to a point;
- 22 44. South  $05^{\circ}54'03''$  East, 96.43 feet to a point;
- 23 45. South  $03^{\circ}36'26''$  West, 160.90 feet to a point;
- 24 46. South  $19^{\circ}03'19''$  East, 52.87 feet to a point;
- 25 47. South  $15^{\circ}28'22''$  West, 110.56 feet to a point;
- 26 48. South  $26^{\circ}18'48''$  West, 193.37 feet to a point;
- 27 49. South  $25^{\circ}07'04''$  West, 284.81 feet to a point;

1 50. South 21°59'56" West, 319.08 feet to a point;

2 51. South 42°58'11" West, 27.29 feet to a point;

3 52. South 76°04'54" West, 40.59 feet to a point;

4 53. South 60°41'21" West, 247.58 feet to a point;

5 54. South 51°14'52" West, 198.47 feet to a point;

6       THENCE, North 01°51'21" West, leaving the centerline of said  
7 Spring Creek along the west line of said Tract 1, at 1111.01 feet,  
8 0.30 feet right passing a found Flat Bar (leaning), at 1352.28 feet,  
9 .014 right a found T-Rail, and continuing for a total distance of  
10 1830.00 feet to a set 5/8-inch iron rod (with cap stamped "Cotton  
11 Surveying");

12       THENCE, North 02°33'57" West, continuing along the west  
13 boundary line of said Tract 1, at 102.90 feet, .052 feet left a  
14 found axle, at 247.93 feet, 1.78 right a found concrete monument and  
15 continuing for a total distance 2010.73 feet to a found concrete  
16 monument for the southeast corner of said Tract 5 and the northeast  
17 corner of a called 222.0856 acre tract conveyed to Derek Alan Metz  
18 and Clyde Metz as filed for record under Clerk's File No.  
19 2009-058942 of the Montgomery County Official Public Records of  
20 Real Property;

21       THENCE, South 87°46'40" West, along the common line of said  
22 Tract 5 and said 222.0856 acre tract 576.99 feet to a found concrete  
23 monument for the southwest corner of said Tract 5 and the northwest  
24 corner of said 222.0856 acre tract;

25       THENCE, North 03°15'31" West, along the west line of said  
26 Tract 5, 1731.48 feet to a found T-Rail for the northwest corner of  
27 said Tract 5 in the south line of a called 1.716 acre tract conveyed

1 to Jerry Kirkpatrick Homes, Inc. by Warranty Deed as filed for  
2 record under Volume 1026, Page 729 of the Montgomery County Deed  
3 Records;

4 THENCE, North 87°35'39" East, along the common line of said  
5 Tract 5 and said 1.716 acres, at 26.28 feet a found 3/4-inch iron  
6 rod, at 136.21 feet, 0.15 feet left a found 1/2-iron rod (bent), at  
7 246.11 feet, 0.13 feet left a found 1/2-inch iron rod and continuing  
8 for a total distance of 578.10 feet to a found axle for northeast  
9 corner of said Tract 5 and the southeast corner of a called 0.6853  
10 acre tract conveyed to Cindy Ann Schmidt by Special Warranty Deed as  
11 file for record under Clerk's File No. 9445705 of the Montgomery  
12 County Deed Records and being in the west line of said Tract 2;

13 THENCE, North 03°23'08" West, along the east line of said  
14 0.6853 acre tract and the west line of said Tract 2, 1185.47 feet to  
15 a set 5/8-inch iron rod (with cap stamped "Cotton Surveying"), from  
16 which a found axle bears South 88°01' West, 1.83 feet;

17 THENCE, North 88°00'38" East, along a north line of said Tract  
18 2, 686.50 feet to a found 2-inch iron pipe for the southeast corner  
19 of a called 8.4715 acre tract conveyed to Lynn P. Stewart and wife  
20 Refeana D. Stewart by General Warranty Deed with Vendor's Lien as  
21 filed for record under Clerk's File No. 9714296 of the Montgomery  
22 County Official Public Records of Reap Property;

23 THENCE, North 00°57'02" West, along the west line of said  
24 Tract 2, at 25.43 feet passing a found 1/2-inch iron rod for the  
25 southwest corner of said Tract 7 and a northwest corner of said  
26 Tract 2, at 604.97 feet, 1.52 feet right a found 5/8-inch iron rod,  
27 at 811.95 feet, 5.19 feet right a found 1/2-inch iron rod (stamped

1 "RPLS 3971 Rainke"), at 1191.18 feet, 0.52 feet left a found  
2 5/8-inch iron rod, at 1776.38 feet, 0.84 feet left a found 5/8-inch  
3 iron rod and continuing for a total distance of 2348.57 feet to the  
4 POINT OF BEGINNING, CONTAINING 500.9 acres of land in Montgomery  
5 County, Texas as shown on drawing number 2407 in the office of  
6 Cotton Surveying, The Woodlands, Texas.

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

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

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

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

25 SECTION 4. (a) If this Act does not receive a two-thirds  
26 vote of all the members elected to each house, Subchapter C, Chapter  
27 8421, Special District Local Laws Code, as added by Section 1 of

1 this Act, is amended by adding Section 8421.106 to read as follows:

2 Sec. 8421.106. NO EMINENT DOMAIN POWER. The district may  
3 not exercise the power of eminent domain.

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

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

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

11 (2) if this Act does not receive the vote necessary for  
12 immediate effect, this Act takes effect September 1, 2013.