

By: Taylor
(Thompson of Brazoria)

S.B. No. 706

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Brazoria County Municipal Utility District No. 47; 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 8464 to read as follows:

CHAPTER 8464. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 47

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8464.001. 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 Brazoria County Municipal Utility District No. 47.

Sec. 8464.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8464.003. 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. 8464.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8464.003
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. 8464.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

8 (a) 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. 8464.006. 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. 8464.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8464.052, directors serve
6 staggered four-year terms.

7 Sec. 8464.052. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act enacting this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition. The commission shall appoint as temporary
13 directors the 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 8464.003; 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 8464.003 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 8464.003; 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. 8464.101. 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. 8464.102. 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. 8464.103. 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. 8464.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
24 road project must meet all applicable construction standards,
25 zoning and subdivision requirements, and regulations of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the road project is located.

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

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

9 Sec. 8464.105. 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. 8464.151. ELECTIONS REGARDING TAXES OR BONDS.

17 (a) The 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 8464.153.

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. 8464.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8464.151, 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. 8464.153. 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. 8464.201. 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. 8464.202. 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. 8464.203. 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 Brazoria County Municipal Utility District
9 No. 47 initially includes all the territory contained in the
10 following area:

11 TRACT 1

12 A 100.53-ACRE TRACT OF LAND SITUATED IN THE H.T. & B. RAILROAD
13 CO. SURVEY, SECTION 71, ABSTRACT NUMBER 291, BRAZORIA COUNTY,
14 TEXAS, BEING ALL OF LOTS 33, 35, 38, 39, 40, AND UN-NUMBERED TRACT,
15 OF THE EMIGRATION LAND COMPANY SUBDIVISION, RECORDED IN VOLUME 2,
16 PAGE 81 OF THE BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), AND
17 DESCRIBED IN DEED TO NEW RODEO 288, LTD, RECORDED UNDER DOCUMENT
18 NUMBER 2005039091 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY
19 (O.R.O.B.C.), SAID 100.53-ACRE TRACT BEING MORE PARTICULARLY
20 DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON RODEO
21 PALMS SUBDIVISION, SECTION 1, RECORDED IN VOLUME 22, PAGES 133 TO
22 136 OF BRAZORIA COUNTY PLAT RECORDS):

23 BEGINNING at a 1/2-inch iron pipe with cap stamped "Brown &
24 Gay" found at the southwest corner of said Lot 35, being at the east
25 right-of-way line of a 40-foot wide road dedicated by said
26 subdivision, and marking the southwest corner of the herein
27 described tract;

1 (1) THENCE North 03°23'15" West, a distance of 702.50 feet
2 along the common line of said Lot 35 and said east right-of-way
3 line, to an interior corner of the herein described tract, from
4 which a found 3/8-inch iron rod, bears North 03°23' West, 0.4 feet;

5 (2) THENCE North 86°38'32" East, a distance of 640.37 feet
6 along the common line of Lots 34 and 35, to a 1/2-inch iron pipe with
7 cap stamped "Brown & Gay" found at the southeast corner of Lot 34,
8 same being an interior corner of the herein described tract;

9 (3) THENCE North 03°23'15" West, a distance of 702.50 feet
10 along the common line of Lots 34 and 39, to a point from which a
11 1/2-inch iron pipe with cap stamped "Brown & Gay" found at the
12 northeast corner of said Lot 34, bears North 82°08' East, 0.7 feet;

13 (4) THENCE South 86°38'32" West, a distance of 640.37 feet
14 along the common line of Lots 33 and 34, to a 1/2-inch iron pipe
15 found in the east right-of-way line of said 40-foot road, at the
16 southwest corner of Lot 33, being an interior corner of the herein
17 described tract, from which a 1/2-inch iron pipe with cap stamped
18 "Brown & Gay" bears North 74°10' East, 1.1 feet;

19 (5) THENCE North 03°23'15" West, a distance of 2,365.37 feet
20 along east line of said 40-foot road, to a 5/8-inch iron rod with
21 cap stamped "E.H.R. & A. 713-784-4500" set at the northwest corner
22 of the herein described tract;

23 (6) THENCE North 86°35'55" East, a distance of 1,280.59 feet
24 along said south line of Rodeo Palms Parkway, to a 5/8-inch iron rod
25 with cap stamped "E.H.R. & A. 713-784-4500" set at the northeast
26 corner of the herein described tract and in the west right-of-way
27 line of a 40-foot wide road, as dedicated by said Emigration Land

1 Company Subdivision;

2 (7) THENCE South 03°23'15" East, along said west
3 right-of-way line, at a distance of 3,068.84 feet pass a 1/2-inch
4 iron pipe found 40 feet to the left, marking the southeast corner of
5 Lot 47 of said subdivision, continuing with a total distance of
6 3,771.34 feet to a 5/8-inch iron rod with cap stamped "E.H.R. & A.
7 713-784-4500";

8 (8) THENCE South 86°38'32" West, along the common line of
9 Lots 40 and 41, at a distance of 639.22 feet to a point from which a
10 found 3/4-inch iron rod bears South 60°55' West, 0.8 feet, and
11 continuing along the common line of Lots 35 and 36 for a total
12 distance of 1,280.59 feet to the POINT OF BEGINNING and containing
13 100.53 acres of land. This description accompanies a Land Title
14 Survey, prepared by Edminster, Hinshaw, Russ and Associates, Inc.
15 and dated February 4, 2007.

16 TRACT 2

17 A 75.83-ACRE TRACT OF LAND SITUATED IN THE H.T. & B. RAILROAD
18 CO. SURVEY, SECTION 71, ABSTRACT NUMBER 291, BRAZORIA COUNTY,
19 TEXAS, BEING ALL OF LOTS 2, 4, 5, 10, 11, 12, 13, AND OUT OF A
20 PORTION OF LOT 9, OF THE EMIGRATION LAND COMPANY SUBDIVISION,
21 RECORDED IN VOLUME 2, PAGE 81 OF THE BRAZORIA COUNTY PLAT RECORDS
22 (B.C.P.R.), SAID 75.83-ACRE TRACT BEING MORE PARTICULARLY
23 DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON RODEO
24 PALMS SUBDIVISION, SECTION 1, RECORDED IN VOLUME 22, PAGES 133 TO
25 136 OF BRAZORIA COUNTY PLAT RECORDS):

26 BEGINNING at a point marking the southwest corner of Lot 1 and
27 the northwest corner of Lot 2 of said subdivision, being in the east

1 right-of-way line of County Road 48 (Old Airline Road, 40.00 feet
2 wide) as dedicated by said subdivision plat, and being at the most
3 westerly northwest corner of the herein described tract;

4 (1) THENCE North $86^{\circ}38'32''$ East, along the common line of
5 said Lots 1 and 2, at a distance of 10.00 feet passing a concrete
6 monument found in the east line of County Road 48 (60-feet wide by
7 occupation), continuing for a total distance of 636.34 feet to a
8 $5/8$ -inch iron rod with cap stamped "E.H.R. & A. 713-784-4500" set at
9 the southeast corner of said Lot 1, and the southwest corner of Lot
10 9 and a corner of the herein described tract, from which a found
11 $5/8$ -iron rod bears South $86^{\circ}57'$ East, 0.5 feet;

12 (2) THENCE North $03^{\circ}23'15''$ West, a distance of 256.66 feet
13 along the common line of said Lots 1 and 9, to a $5/8$ -inch iron rod
14 with cap stamped "E.H.R. & A. 713-784-4500" set on the north line of
15 said section 71 and marking the most northerly northwest corner of
16 the herein described tract;

17 (3) THENCE North $86^{\circ}35'55''$ East, a distance of 639.84 feet
18 along the north line of said section 71, to a $5/8$ -inch iron rod with
19 cap stamped "E.H.R. & A. 713-784-4500" set in the west line of a
20 40-foot wide road dedicated by said subdivision plat and the east
21 line of said Lot 9, marking the northeast corner of the herein
22 described tract;

23 (4) THENCE South $03^{\circ}23'15''$ East, along the west line of said
24 40-foot wide road, at a distance of 257.15 feet passing a $3/8$ -inch
25 iron rod found at the southeast corner of said Lot 9, at a distance
26 of 959.53 feet passing a $3/8$ -inch iron rod with cap found at the
27 southeast corner of Lot 10, at a distance of 1,661.59 feet passing a

1 found 3/8-inch iron rod found 0.3 feet to the left, at a distance of
2 2,364.23 feet passing a 5/8-inch iron rod with cap stamped "S. Adams
3 RPLS 3666" found at the southeast corner of Lot 12, continuing for a
4 total distance of 3,066.83 feet to a 5/8-inch iron rod with cap
5 stamped "S. Adams RPLS 3666" found at the common corner of Lot 13
6 and 14, marking the southeast corner of the herein described tract;

7 (5) THENCE South 86°38'32" West, along the common line of
8 Lots 13 and 14, at a distance of 639.84 feet pass a 1/2-inch iron rod
9 with a cap stamped "S. Adams RPLS 3666" found at the southwest
10 corner of said Lot 13, and continuing along the common line of Lots
11 5 and 6 of said subdivision, for a total distance of 1,276.18 feet
12 to the east right-of-way line of said County Road 48 (Old Airline
13 Road), and being at the southwest corner of said Lot 5 and the
14 herein described tract;

15 (6) THENCE North 03°23'15" West, a distance of 1,405.00 feet
16 along the east right-of-way line of said County Road 48, to a point
17 at the common corner of Lot 3 and Lot 4;

18 (7) THENCE North 86°38'32" East, along the common line of
19 Lots 3 and 4, at a distance of 10.00 feet passing a 5/8-inch iron rod
20 found at the occupied east line of County Road 48, at a distance of
21 92.05 feet passing a 5/8-inch iron rod with cap stamped "Weisser
22 Eng. Houston TX," and continuing for a total a distance of 636.34
23 feet to a 3/8-iron rod found at the common corner of Lot 3 and Lot 4,
24 marking an interior corner of the herein described tract, from
25 which a 3/4-inch iron rod found at the southeast corner of said Lot
26 4 bears South 86°38'32" West, 702.50 feet;

27 (8) THENCE North 03°23'15" West, a distance of 702.30 feet

1 along the common line of Lots 3 and 11, to a 3/8-inch iron rod with
2 cap stamped "Spinner" found at the southwest corner of Lot 10,
3 marking an interior corner of the herein described tract;

4 (9) THENCE South 86°38'32" West, along the common line of
5 said Lots 2 and 3, at a distance of 626.34 feet passing a concrete
6 monument found at the occupied east line of said County Road 48, and
7 continuing for a total distance of 636.34 feet to a point on the
8 east line of said Country Road 48;

9 (10) THENCE North 03°23'15" West, along the common line of
10 Lot 2 and the east line of said County Road 48, a distance of 702.38
11 feet to the POINT OF BEGINNING and containing 75.83 acres of land.
12 This description accompanies a Land Title Survey, prepared by
13 Edminster, Hinshaw, Russ and Associates, Inc. and dated February 6,
14 2008;

15 Save and Except 15.39 acres of land, being the south half of
16 Lot 4 and all of Lot 5, leaving a net acreage of 60.44 acres of land.

17 TRACT 3

18 A 59.06-ACRE TRACT OF LAND SITUATED IN THE H.T. & B. RAILROAD
19 SURVEY, SECTION 71, ABSTRACT NUMBER 291, BRAZORIA COUNTY, TEXAS,
20 BEING ALL OF LOTS 21, 26, 27, 28, 29, AND OUT OF A PORTION OF LOTS 17
21 AND 25, OF THE EMIGRATION LAND COMPANY SUBDIVISION, RECORDED IN
22 VOLUME 2, PAGE 81 OF BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.), SAID
23 59.06-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
24 BOUNDS AS FOLLOWS, (BEARINGS BASED ON RODEO PALMS SUBDIVISION,
25 SECTION 1, RECORDED IN VOLUME 22, PAGES 133 TO 136 OF BRAZORIA
26 COUNTY PLAT RECORDS):

27 BEGINNING at 5/8-inch iron with cap stamped "E.H.R. & A.

1 713-784-4500" set at the southwest corner of said Lot 21 of said
2 subdivision plat, being in the east right-of-way line of a 40-foot
3 wide road, as shown on said Emigration Land Company Subdivision;

4 (1) THENCE North 03°23'15" West, a distance of 702.50 feet to
5 a 1/2-inch iron pipe found at the common corner of said Lot 21 and
6 Lot 20 of said subdivision plat, marking an interior corner of the
7 herein described tract;

8 (2) THENCE North 86°38'32" East, a distance of 639.69 feet to
9 a 5/8 inch iron rod with cap stamped "E.H.R. & A. 713-784-4500"
10 along the common line of said Lots 20 and 21, to the southeast
11 corner of said Lot 20, same being an interior corner of the herein
12 described tract, and from which a 1/2-inch iron pipe with cap
13 stamped "S. Adams RPLS 3666" bears North 44°35' West, 0.6 feet;

14 (3) THENCE North 03°23'15" West, along the common line of
15 Lots 20 and 28, at a distance of 702.50 feet passing a 1-1/4 inch
16 iron pipe found at the southwest corner of said Lot 27 and the
17 northwest corner of Lot 28, continuing along the common line of Lots
18 19 and 27, at 1404.80 feet passing the southwest corner of said Lot
19 26, from which an 1-1/4 iron pipe bears South 59°58' East, 0.9 feet,
20 continuing along the common line of Lots 18 and Lot 26 for a total
21 distance of 2,107.18 feet to a 5/8-inch iron rod with cap stamped
22 "E.H.R. & A. 713-784-4500" set at the southwest corner of Lot 25 and
23 the northwest corner of Lot 26, marking an interior corner of the
24 herein described tract;

25 (4) THENCE South 86°38'32" West, a distance of 639.69 feet to
26 a point along the common line of said Lots 17 and 18, to the east
27 right-of-way line of said 40-foot wide road, being a corner of the

1 herein described tract, from which a 1/2-inch iron pipe stamped "S
2 Adams RPLS 3666", bears North 76°59' East, 0.7 feet;

3 (5) THENCE North 03°23'15" West, a distance of 257.18 feet
4 along the east right-of-way line of said 40-foot wide road and the
5 west line of said Lot 17, to 5/8-inch iron rod with cap stamped
6 "E.H.R. & A. 713-784-4500" set on the north line of said section 71
7 and being at the northwest corner of the herein described tract;

8 (6) THENCE North 86°35'55" East, at 643.76 feet passing a
9 1/2-inch iron pipe, 4.7 feet to the right, found on the southeast
10 corner of Bobby Shotwell 69.983 acres, as recorded under C.F.No.
11 1998002623 O.P.R.O.B.C., and continuing for a total distance of
12 1,278.22 feet, to a 5/8-inch iron rod with cap stamped "E.H.R. & A.
13 713-784-4500" set at the intersection of the south right-of-way
14 line of Rodeo Palms Parkway, dedicated by Rodeo Palms Subdivision,
15 Section 1, plat recorded under Volume 22, Page 133 to 136 of
16 Brazoria County Plat Records and west right-of-way line of a
17 40-foot wide road dedicated by Emigration Land Company Subdivision;

18 (7) THENCE South 03°23'15" East, along the west line of said
19 40-foot wide road, a distance of 3,067.83 feet to a 5/8-inch iron
20 rod found at the common corner of Lot 29 and Lot 30;

21 (8) THENCE South 86°38'32" West, a distance of 1,278.22 feet
22 to the POINT OF BEGINNING and containing 59.06 acres of land. This
23 description accompanies a Land Title Survey, prepared by Edminster,
24 Hinshaw, Russ and Associates, Inc. and dated February 6, 2008.

25 Save and Except a 267.00 foot by 267.00 foot tract of land in
26 the southeast corner of Lot 29, being 1.64 acres of land, leaving a
27 net acreage of 57.42 acres of land.

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

8 (b) The governor, one of the required recipients, has
9 submitted the notice and Act to the Texas Commission on
10 Environmental Quality.

11 (c) The Texas Commission on Environmental Quality has filed
12 its recommendations relating to this Act with the governor, the
13 lieutenant governor, and the speaker of the house of
14 representatives within the required time.

15 (d) All requirements of the constitution and laws of this
16 state and the rules and procedures of the legislature with respect
17 to the notice, introduction, and passage of this Act are fulfilled
18 and accomplished.

19 SECTION 4. (a) If this Act does not receive a two-thirds
20 vote of all the members elected to each house, Subchapter C, Chapter
21 8464, Special District Local Laws Code, as added by Section 1 of
22 this Act, is amended by adding Section 8464.106 to read as follows:

23 Sec. 8464.106. NO EMINENT DOMAIN POWER. The district may
24 not exercise the power of eminent domain.

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

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2013.