

By: Zaffirini
(Kuempel)

S.B. No. 1116

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation, administration, powers, duties,
3 functions, operations, and financing of the Crystal Clear Special
4 Utility District; providing authority to issue bonds; granting a
5 limited power of eminent domain.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subtitle C, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7206 to read as follows:

9 CHAPTER 7206. CRYSTAL CLEAR SPECIAL UTILITY DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7206.001. DEFINITIONS. In this chapter:

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

13 (2) "Corporation" means the Crystal Clear Water Supply
14 Corporation.

15 (3) "Director" means a board member.

16 (4) "District" means the Crystal Clear Special Utility
17 District.

18 Sec. 7206.002. NATURE OF DISTRICT. The district is a
19 special utility district in Comal, Guadalupe, and Hays Counties
20 created under and essential to accomplish the purposes of Section
21 59, Article XVI, Texas Constitution. The district is created to
22 serve a public use and benefit.

23 Sec. 7206.003. CONFIRMATION ELECTION REQUIRED. If the
24 creation of the district is not confirmed at a confirmation and

1 initial directors' election held before September 1, 2016:

2 (1) the district is dissolved on September 1, 2016,
3 except that the district shall:

4 (A) pay any debts incurred;

5 (B) transfer to Comal, Guadalupe, or Hays County,
6 as appropriate, any assets of the district that remain after the
7 payment of debts; and

8 (C) maintain the organization of the district
9 until all debts are paid and remaining assets are transferred; and

10 (2) this chapter expires September 1, 2017.

11 Sec. 7206.004. APPLICABILITY OF OTHER LAW. Except as
12 otherwise provided by this chapter, Chapters 49 and 65, Water Code,
13 apply to the district.

14 Sec. 7206.005. 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:

21 (1) the organization, existence, or validity of the
22 district;

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

27 (3) the legality or operation of the district or the

1 board of directors of the district.

2 SUBCHAPTER A-1. TEMPORARY PROVISIONS

3 Sec. 7206.021. TEMPORARY DIRECTORS. (a) The temporary
4 board of directors of the district is composed of:

5 (1) Dennis R. Krackau;

6 (2) Jackie E. Carson;

7 (3) Carroll U. Hoffmann;

8 (4) Richard A. Hanz;

9 (5) Jarold R. Hildebrand;

10 (6) James R. Stewart; and

11 (7) Michael L. Cox.

12 (b) Each temporary director shall qualify for office as
13 provided by Section 49.055, Water Code.

14 (c) If a temporary director fails to qualify for office, the
15 temporary directors who have qualified shall appoint a person to
16 fill the vacancy. If at any time there are fewer than four
17 qualified temporary directors, the Texas Commission on
18 Environmental Quality shall appoint the necessary number of
19 directors to fill all vacancies on the board.

20 (d) Temporary directors serve until the earlier of:

21 (1) the date initial directors are elected under
22 Section 7206.022; or

23 (2) the date this chapter expires under Section
24 7206.003.

25 (e) As soon as practicable after all the temporary directors
26 have qualified under Section 49.055, Water Code, the temporary
27 directors shall convene the organizational meeting of the district

1 and elect officers from among the temporary directors.

2 Sec. 7206.022. CONFIRMATION AND INITIAL DIRECTORS'
3 ELECTION. (a) Before September 1, 2016, the temporary directors
4 shall hold an election to confirm the creation of the district and
5 to elect seven initial directors in accordance with Chapters 49 and
6 65, Water Code.

7 (b) The temporary board of directors shall determine the
8 method for determining the initial term of each person on the
9 initial board of directors. The terms must be clearly stated on the
10 ballot for the confirmation and directors' election.

11 (c) Section 41.001(a), Election Code, does not apply to a
12 confirmation and directors' election held as provided by this
13 section.

14 (d) The initial directors shall continue to serve until the
15 district directors elected at the first regularly scheduled
16 election of directors under Section 7206.052 qualify for office.

17 Sec. 7206.023. TRANSFER OF ASSETS; DISSOLUTION. (a) If
18 the creation of the district is confirmed under Section 7206.022,
19 the corporation shall transfer the assets, debts, and contractual
20 rights and obligations of the corporation to the district.

21 (b) Not later than the 30th day after the date of the
22 transfer under Subsection (a), the board of directors of the
23 corporation shall commence dissolution proceedings of the
24 corporation.

25 (c) On dissolution of the corporation, Certificate of
26 Convenience and Necessity No. 10297 is considered to be held by the
27 district.

1 (d) The board of directors of the corporation shall notify
2 the Texas Commission on Environmental Quality of the dissolution of
3 the corporation and of the transfer of Certificate of Convenience
4 and Necessity No. 10297 to the district.

5 (e) On receipt of notice under Subsection (d), the Texas
6 Commission on Environmental Quality shall note in its records that
7 Certificate of Convenience and Necessity No. 10297 is held by the
8 district and shall reissue the certificate in the name of the
9 district without further application, notice, or hearing. A
10 person, party, or entity does not have any right of protest,
11 objection, or administrative review of the transfer prescribed by
12 this section.

13 Sec. 7206.024. EXPIRATION OF SUBCHAPTER. This subchapter
14 expires September 1, 2017.

15 SUBCHAPTER B. BOARD OF DIRECTORS

16 Sec. 7206.051. DIRECTORS. (a) The district shall be
17 governed by a board of not fewer than 5 and not more than 11
18 directors, elected in accordance with Section 65.101, Water Code.

19 (b) The directors of the district serve staggered
20 three-year terms.

21 Sec. 7206.052. ELECTION OF DIRECTORS. After the district
22 is confirmed under Section 7206.022, the district shall hold an
23 election on the uniform election date in November of each year to
24 elect the appropriate number of directors.

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 7206.101. GENERAL POWERS. Except as otherwise
27 provided by this chapter, the district has all of the rights,

1 powers, privileges, authority, functions, and duties provided by
2 the general law of this state, including Chapters 49 and 65, Water
3 Code, applicable to special utility districts created under Section
4 59, Article XVI, Texas Constitution.

5 Sec. 7206.102. WATER SERVICE IMPACT FEE. (a) The district
6 may charge a water service impact fee that is not greater than the
7 capital recovery fee charged by the corporation on December 31,
8 2012, under the corporation's tariff.

9 (b) Chapter 395, Local Government Code, does not apply to an
10 initial water service impact fee set under Subsection (a).

11 (c) The district may increase the water service impact fee
12 authorized under Subsection (a) only as provided by Chapter 395,
13 Local Government Code, as approved by the Texas Commission on
14 Environmental Quality, or as otherwise provided by law.

15 Sec. 7206.103. EMINENT DOMAIN. (a) Except as provided by
16 Subsection (b), the district has all the power and authority of a
17 special utility district under Chapters 49 and 65, Water Code, to
18 acquire by condemnation any land, easement, or other property
19 located inside or outside the boundaries of the district for any
20 district project or purpose.

21 (b) The district may not exercise the power of eminent
22 domain to condemn land, easements, or other property located
23 outside the boundaries of the district for sanitary sewer purposes.

24 Sec. 7206.104. SERVICES TO BE PROVIDED BY DISTRICT OR CITY
25 OF NEW BRAUNFELS. (a) A structure constructed by the district in
26 the corporate limits or extraterritorial jurisdiction of the City
27 of New Braunfels must comply with any applicable codes and

1 ordinances of the city.

2 (b) The district may enter into an interlocal contract with
3 the City of New Braunfels to provide governmental services,
4 including drainage, solid waste, or fire protection services.

5 (c) The district may not provide solid waste collection
6 services in the corporate limits of the City of New Braunfels unless
7 the governing body of the city consents by resolution or ordinance.

8 (d) The district may not provide fire protection services in
9 the corporate limits or extraterritorial jurisdiction of the City
10 of New Braunfels unless the governing body of the city consents by
11 resolution or ordinance.

12 SECTION 2. The Crystal Clear Special Utility District
13 initially includes all the territory contained in the following
14 area:

15 BEING that portion of Comal, Guadalupe, and Hays Counties,
16 Texas, which has a boundary more particularly described as follows:
17 BEGINNING at a point in Guadalupe County where the centerline of the
18 San Marcos River crosses the centerline of U.S. Highway 90;
19 THENCE in a southeasterly direction, with a line being 5,000 feet
20 east of and parallel to County Road 217 (Highsmith Road), to a point
21 in the north right-of-way line of Interstate Highway 10;
22 THENCE with the north right-of-way line of Interstate Highway 10,
23 in a westerly direction, to a point at its intersection with the
24 east boundary line of Springs Hill WSC CCN #10666;
25 THENCE following the Springs Hill WSC CCN #10666 boundary line in a
26 northerly, westerly, then southerly direction, until it intersects
27 with the north right-of-way line of Interstate Highway 10;

1 THENCE with the north right-of-way line of Interstate Highway 10,
2 in a westerly direction, to its intersection with the east City
3 Limit Line of Seguin, Texas;
4 THENCE with the City Limit Line of Seguin, Texas, in a northerly,
5 then westerly direction, to its intersection with an eastern line
6 of the City of Seguin CCN #10698;
7 THENCE with the City of Seguin CCN #10698 line, in a northerly
8 direction, to a point at its intersection of the Springs Hill WSC
9 CCN #10666 boundary;
10 THENCE with the boundary of Springs Hill WSC CCN #10666 in a
11 northerly direction to the City Limit Line of Seguin, Texas;
12 THENCE with the City Limit Line of Seguin, Texas, in a northerly,
13 then westerly direction, to its intersection with the eastern
14 boundary of Springs Hill WSC CCN #10666;
15 THENCE meandering with the boundary line of Springs Hill WSC CCN
16 #10666 in a northwesterly direction to a point on the east boundary
17 line of the 810.54 acre tract of land described in the deed to
18 Normandy Terrace, Inc. recorded in the Guadalupe County Deed
19 Records;
20 THENCE with the eastern boundary of the 810.54 acre Normandy
21 Terrace Inc. tract in a northern direction to its northeast corner;
22 THENCE with the northern boundary of the 810.54 acre Normandy
23 Terrace Inc. tract in a westerly direction to the centerline of
24 Guadalupe County Road 140 (Schwarzlose Rd.);
25 THENCE with the centerline of Guadalupe County Road 140
26 (Schwarzlose Rd.), in a southerly direction to its intersection
27 with the boundary line of New Braunfels Utility CCN #10677;

1 THENCE with the boundary line of the New Braunfels Utility CCN
2 #10677, in a westerly, then northwesterly direction, crossing the
3 Comal County and Guadalupe County Line to its intersection with the
4 City Limits Line of New Braunfels, Texas;
5 THENCE with the City Limits Line of New Braunfels, Texas, in an
6 northeasterly, then northwesterly direction to a south corner of a
7 75.805 acre tract of land described in a deed to State of Texas FBO
8 Permanent School Fund recorded in Document # 200506039320, of the
9 Comal County Deed Records;
10 THENCE with the southeast line of the 75.805 acre State of Texas FBO
11 Permanent School Fund tract to its east corner, said east corner
12 being on the southwest line of the 119.882 acre tract described in a
13 deed to Marvin Kraft, Jr., et al, recorded in Book 1015, Page 444,
14 of the Comal County Deed Records;
15 THENCE with the northeast line of the 75.805 acre State of Texas FBO
16 Permanent School Fund tract and the west line of the 119.882 acre
17 Kraft tract, to the west corner of the 119.882 acre Kraft tract;
18 THENCE with the northern and eastern property boundaries of the
19 119.882 acre Kraft tract to its east corner, same being the south
20 corner of a 1,015.537 acre tract of land described in a deed to the
21 State of Texas FBO Permanent School Fund recorded in Document
22 #200506041691, of the Comal County Deed Records;
23 THENCE with the southern and northeastern property boundary of the
24 1,015.537 acre State of Texas FBO Permanent School Fund tract to a
25 point on the east right-of-way of Interstate Highway 35 for its
26 north corner;
27 THENCE with the east right-of-way line of Interstate Highway 35, in

1 a southwesterly direction, to its intersection with an eastern
2 boundary of the City Limit Line of New Braunfels, Texas;
3 THENCE with the City Limit Line of New Braunfels, Texas, in a
4 northwesterly and southwesterly direction to its intersection with
5 the northeast line of the 2.545 acre tract of land described in a
6 deed to Hitzfelder Family Partners LTD recorded in Book 98060, Page
7 1608, of the Comal County Deed Records;
8 THENCE with the northeast line of the 2.545 acre Hitzfelder Family
9 Partners LTD tract, in a northwest direction to its north corner and
10 to an east corner of a 20.009 acre tract of land described in a deed
11 to HPT TA Properties Trust recorded in Document #200706011233, of
12 the Comal County Deed Records;
13 THENCE with the northeast line of the 20.009 acre HPT TA Properties
14 Trust tract, in a northwest direction, to its north corner and to an
15 east corner of a 10.182 acre tract of land described in a deed to Rip
16 Griffin Truck Service Center, Inc. recorded in Book 97060, Page
17 27464, of the Comal County Deed Records;
18 THENCE with the northeast line of the 10.182 acre Rip Griffin Truck
19 Center, Inc. tract, in a northwest direction, to its north corner
20 and to the east corner of a tract of land described in a deed to
21 Margyline Hitzfelder recorded in Book 181, Page 617, in the Comal
22 County Deed Records;
23 THENCE with the northeast line of the Margyline Hitzfelder tract,
24 in a northwest direction, to a south corner of a 17.71 acre tract of
25 land described in a deed to Papes Family Farm LTD recorded in
26 Document #200406007834, in the Comal County Deed Records;
27 THENCE with a southeast line of the 17.71 acre Papes Family Farm LTD

1 tract of land, in a northeast direction, to its east corner on the
2 southwest line of a 44.29 acre tract of land described in a deed to
3 Papes Family Farm, LTD., recorded in Document #200406007834, in the
4 Comal County Deed Records;
5 THENCE with the boundary of the 44.29 acre Papes Family Farm LTD
6 tract in a southeast, northeast, then northwest direction, to its
7 north corner and the west corner of a 230.695 acre tract of land
8 described in a deed to John A., Teresa J. and Andrea J. Ladshaw
9 recorded in Book 762, Page 008, of the Comal County Deed Records;
10 THENCE with a north line of a 230.695 acre tract, in a northeast
11 direction, to its north corner and a west corner of a 9.785 acre
12 tract of land described in a deed to John A. Ladshaw recorded in
13 Book 378, Page 799, in the Comal County Deed Records;
14 THENCE with the boundary of the 9.785 acre John A. Ladshaw tract, in
15 a northeast and southeast direction, to its east corner on the west
16 right-of-way of Interstate Highway 35;
17 THENCE with the west right-of-way line of Interstate Highway 35 in a
18 northeasterly direction to a south corner of the 288.433 acre tract
19 of land described in a deed to Southstar of Havenwood, LLC, recorded
20 in Document #201206016391, of the Comal County Deed Records;
21 THENCE with the meanders of the southern and western boundary of the
22 288.433 acre Southstar of Havenwood, LLC, tract, in a western
23 direction, to its east corner on the southeast right-of-way line of
24 F.M. 1102;
25 THENCE across F.M. 1102 and with the northwest right-of-way line of
26 F.M. 1102 in a northeasterly direction to the south corner of Unit
27 #1 of the Havenwood at Hunter's Crossing Subdivision recorded in

1 Document #200606015745, of the Comal County Deed Records;
2 THENCE with the southwestern boundary of Unit #1 of the Havenwood at
3 Hunter's Crossing Subdivision, in a northwest direction, to the
4 south corner of Unit #2 of the Havenwood at Hunter's Crossing
5 Subdivision recorded as Document #200606040000, of the Comal County
6 Deed Records;
7 THENCE with the southwest line of Unit #2 of the Havenwood at
8 Hunter's Crossing Subdivision to a point on the southeast
9 right-of-way of Beaver Lane, said southeast right-of-way of Beaver
10 lane being the south boundary of Unit #4 of the Havenwood at
11 Hunter's Crossing Subdivision recorded as Document #200706047038,
12 of the Comal County Deed Records;
13 THENCE with the boundary of Unit #4 of the Havenwood at Hunter's
14 Crossing Subdivision, in a southwest, northwest, then northeast
15 direction, to the north corner of Unit #4 and the west corner of
16 Unit #3 of the Havenwood at Hunter's Crossing Subdivision recorded
17 as Document #200606046131, of the Comal County Deed Records;
18 THENCE with the boundary of Unit #3 of the Havenwood at Hunter's
19 Crossing Subdivision, in a northeast, southeast, then southwest
20 direction, to the east corner of Unit #2 of the Havenwood at
21 Hunter's Crossing Subdivision recorded as Document #200606040000,
22 of the Comal County Deed Records;
23 THENCE with the boundary of Unit #2 of the Havenwood at Hunter's
24 Crossing Subdivision, in a southwest, then southeast direction, to
25 a north corner of Unit #1 of the Havenwood at Hunter's Crossing
26 Subdivision recorded as Document #200606015745, of the Comal County
27 Deed Records;

1 THENCE with the eastern boundary of Unit #1 of the Havenwood at
2 Hunter's Crossing Subdivision, in a southeast direction, to its
3 southeast corner on the northeast right-of-way line of F.M. 1102;
4 THENCE with the northwest right-of-way line of F.M. 1102, in a
5 northeasterly direction, merging into F.M. 2439;
6 THENCE with the northwest right-of-way line of F.M. 2439 in a
7 northeasterly direction and crossing the Comal County and Hays
8 County Line to the east corner of a 79.748 acre tract of land
9 described in a deed to Flying W Properties LTD recorded in Book
10 3257, Page 704, of the Hays County Deed Records;
11 THENCE across and perpendicular to F.M. 2439 in a southeasterly
12 direction to the southeast right-of-way line of F.M. 2439;
13 THENCE with the southeast right-of-way line of F.M. 2439, in a
14 northeast direction, to a west corner of a 2.65 acre tract of land
15 described in a deed to Frank and Jacqueline Brakley recorded in Book
16 2835, Page 823, of Hays County Deed Records;
17 THENCE with the southwestern boundary of the 2.65 acre Frank and
18 Jacqueline Brakley tract, in a southeast direction, to its south
19 corner in the northwest right-of-way line of the Union Pacific
20 Railroad;
21 THENCE in a southeasterly direction and crossing the Union Pacific
22 Railroad right-of-way and a tract of land described in a deed to
23 Flying W Properties LTD to the north corner of a 83.73 tract of land
24 described in a deed to Fred W. Heldenfels, IV recorded in Book 1974,
25 Page 368, of the Hays County Deed Records and also a point in the
26 western boundary of the City Limits of San Marcos, Texas;
27 THENCE with the western boundary of the City Limits Line of San

1 Marcos, Texas, in a southeasterly direction to its intersection
2 with the City of San Marcos CCN #10298;
3 THENCE with the City of San Marcos CCN #10298 in a southeasterly
4 direction to its intersection with the centerline of Hays County
5 Road 265 (Francis Harris Lane);
6 THENCE with the centerline of Hays County Road 265 in a southerly
7 and southeasterly direction to a southwest corner of a tract of land
8 described in a deed to Albert Dale Jonas recorded in Book 1530, Page
9 16, of Hays County Deed Records;
10 THENCE with the south line of the Albert Dale Jonas tract in an
11 easterly direction to a point on the Hays County and Guadalupe
12 County Line;
13 THENCE along the Hays County and Guadalupe County Line in a
14 northeasterly direction to its intersection with the southern
15 boundary of the City of San Marcos CCN # 10298;
16 THENCE meandering with the boundary line of City of San Marcos CCN
17 #10298 in a northeasterly direction to its intersection with the
18 City Limits of San Marcos, Texas, and same point being the western
19 corner of a 100.00 Acre Tract of land conveyed to Cottonwood Creek
20 JDR, LTD. by Warranty Deed in Volume 2008, Page 0867, of the
21 Guadalupe County Deed Records;
22 THENCE with the City Limits of San Marcos, Texas, and around the
23 western, southern, and eastern perimeter of said 100.00 Acre Tract
24 to its intersection with the City of San Marcos CCN #10295 southern
25 boundary line same being the Hays County and Guadalupe County Line;
26 THENCE with the southern boundary of the City of San Marcos CCN
27 #10298 in a northeasterly direction to a point at its intersection

1 with the City Limits Line of San Marcos, Texas;
2 THENCE with the boundary of the City Limits Line of San Marcos,
3 Texas, in a southeasterly, then northeasterly direction to a point
4 at its intersection with the western boundary line of the
5 Martindale WSC CCN # 10312;
6 THENCE with the western boundary line of the Martindale WSC CCN
7 #10312 in a southeasterly direction to a point, said point being the
8 northern corner of the western boundary of the Tri-Community WSC
9 CCN #10313 and said point being located along the San Marcos River;
10 THENCE with the San Marcos River in a southerly direction to a point
11 at its intersection with F.M. 1977, said point also being located
12 along the western boundary of the Tri-Community WSC CCN #10313;
13 THENCE with the western boundary of the Tri-Community WSC CCN
14 #10313 in a southeasterly direction to a point, said point being the
15 most southerly corner of CCN #10313 and being located in the San
16 Marcos River;
17 THENCE with the San Marcos River in a southeasterly direction to the
18 POINT OF BEGINNING.
19 WHICH above described territory includes that land lying and being
20 situated in ALL OR PORTIONS of the following surveys:
21 IN GUADALUPE COUNTY, TEXAS: John Wells Survey, Abstract No. 509;
22 John Wells Survey, Abstract No. 435; James P. Hector Survey,
23 Abstract No. 353; James Murphy Survey, Abstract No. 237; Robert
24 Smith Survey, Abstract No. 286; Jose Ramon Bedford Survey, Abstract
25 No. 5; Magarita Cherino Survey, Abstract No. 10; Antonio Maria
26 Esnaurizar Survey, Abstract No. 20; James Hodges Survey, Abstract
27 No. 148; Samuel Williams Survey, Abstract No.37; Edward C. Pettus

1 Survey, Abstract No. 264; Josias Randolph Survey, Abstract No. 276;
2 Martin Ussery Survey, Abstract No. 324; Joel W. Robinson Survey,
3 Abstract No. 275; James M. Bell Survey, Abstract No. 75; Samuel
4 Highsmith Survey, Abstract No. 25; Henry R. Hunt Survey, Abstract
5 No. 150; Uzziel Wakefield Survey, Abstract No. 327; Frederick
6 Happle Survey, Abstract No. 156; James A. Swift Survey, Abstract
7 No. 292; John Tom Survey, Abstract No. 316; Carlos Espalier Survey,
8 Abstract No. 129; Charles Hall Survey, Abstract No. 162; Matthew
9 Besore Survey, Abstract No. 61; William Griffin Survey, Abstract
10 No. 136; Andrew Neill Survey, Abstract No. 256; John Ussery Survey,
11 Abstract No. 323; James H. Thomas Survey, Abstract No. 311; Robert
12 Scobey Survey, Abstract No. 290; Churchill Fulchear Survey,
13 Abstract No. 130; Young Seltoon Survey, Abstract No. 293; Loria
14 Billings Survey, Abstract No. 55; W. Riley Wood Survey, Abstract
15 No. 345; John McGrabb Survey, Abstract No. 242; Jacob A. Miller
16 Survey, Abstract No. 231; William G. Hunt Survey, Abstract No. 149;
17 J. G. King Survey, Abstract No. 208; William P. King Survey,
18 Abstract No. 207; Robert Hall Survey, Abstract No. 158; Harriet
19 Cottle Survey, Abstract No. 13; Geo. Blair Survey, Abstract No. 50;
20 J. Hampton Kuykendall Survey, Abstract No. 199; Michael Miller
21 Survey, Abstract No. 219; William H. Hunter Survey, Abstract No.
22 152; Edwin R. Kellett Survey, Abstract No. 198; Robert M.
23 Cartwright Survey, Abstract No. 83; James Latham Survey, Abstract
24 No. 209; Robert Smith Survey, Abstract No. 33; John B. Cowan Survey,
25 Abstract No. 84; J. Benton Johnson Survey, Abstract No. 191;
26 William Burnett Survey, Abstract No. 73; Uzziel Wakefield Survey,
27 Abstract No. 326; Michael Cody Survey, Abstract No. 99; Michael

1 Cody Survey, Abstract No. 86; Edward Pettus Survey, Abstract No.
2 31; William J. Ragsdale Survey, Abstract No. 268; Solomon Barnes
3 Survey, Abstract No. 56; John Jones Survey, Abstract No. 189;
4 Gustavus Chatwell Survey, Abstract No. 85; James W. Keller Survey,
5 Abstract No. 201; George Allen Survey, Abstract No. 1; Charles
6 Henderson Survey, Abstract No. 147; Christoval Rubio Survey,
7 Abstract No. 274; Wm. Perkins Survey, Abstract No. 263; James
8 Nashley Survey, Abstract No. 254; H. E. Jordt Survey, Abstract No.
9 195; Wm. Perkins Survey, Abstract No. 263; James B. Cowan Survey,
10 Abstract No. 81; John Wells Survey, Abstract No. 339; Cyrus
11 Campbell Survey, Abstract No. 8; Andrew Mitchell Survey, Abstract
12 No. 220; S. A. & M. G. R. R. Co. Survey, Abstract No. 308; Benjamin
13 & Graves Fulcher Survey, Abstract No. 21; James T. Murphy Survey,
14 Abstract No. 233; and
15 In COMAL COUNTY, Texas: Antonio Maria Esnaurizar Survey, Abstract
16 No. 1; Orilla Russell Survey, Abstract No. 485; Nancy Kenner Survey,
17 Abstract No. 306; Samuel Craft Sr. Survey, Abstract No. 98; and
18 And in HAYS COUNTY, Texas: Samuel Craft Sr. Survey, Abstract No. 89;
19 Antonio Maria Esnaurizar Survey, Abstract No. 6; John Owens Survey,
20 Abstract No. 356; Thomas Bell Survey, Abstract No. 47; and Charles
21 Henderson Survey, Abstract No. 226.

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

1 Government Code.

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

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

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

13 SECTION 4. (a) Section 7206.103, Special District Local
14 Laws Code, as added by Section 1 of this Act, takes effect only if
15 this Act receives a two-thirds vote of all the members elected to
16 each house.

17 (b) If this Act does not receive a two-thirds vote of all the
18 members elected to each house, Subchapter C, Chapter 7206, Special
19 District Local Laws Code, as added by Section 1 of this Act, is
20 amended by adding Section 7206.103 to read as follows:

21 Sec. 7206.103. NO EMINENT DOMAIN POWER. The district may
22 not exercise the power of eminent domain.

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

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

S.B. No. 1116

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2013.