

By: Hegar

S.B. No. 1821

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Waller County Improvement District No. 2; providing authority to impose an assessment, impose a tax, and issue bonds.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3914 to read as follows:

CHAPTER 3914. WALLER COUNTY IMPROVEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3914.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Houston.

(3) "County" means Waller County.

(4) "Director" means a board member.

(5) "District" means the Waller County Improvement District No. 2.

(6) "Rail facilities" includes all real and personal property owned or held by the district for railroad purposes, including land, interests in land, buildings, structures, rights-of-way, easements, franchises, rail lines, stations, platforms, terminals, rolling stock, garages, shops, equipment, and facilities including vehicle parking areas and facilities, and other facilities necessary or convenient for the beneficial use and access of persons and vehicles to stations, terminals, yards,

1 vehicles, control houses, signals and land, facilities, and
2 equipment for the protection and environmental enhancement of those
3 facilities.

4 Sec. 3914.002. NATURE OF DISTRICT. The Waller County
5 Improvement District No. 2 is a special district created under
6 Section 59, Article XVI, Texas Constitution.

7 Sec. 3914.003. PURPOSE; DECLARATION OF INTENT. (a) The
8 creation of the district is essential to accomplish the purposes of
9 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
10 Texas Constitution, and other public purposes stated in this
11 chapter. By creating the district and in authorizing the city, the
12 county, and other political subdivisions to contract with the
13 district, the legislature has established a program to accomplish
14 the public purposes set out in Section 52-a, Article III, Texas
15 Constitution.

16 (b) The creation of the district is necessary to promote,
17 develop, encourage, and maintain employment, commerce,
18 transportation, housing, tourism, recreation, the arts,
19 entertainment, economic development, safety, and the public
20 welfare in the district.

21 (c) This chapter and the creation of the district may not be
22 interpreted to relieve the city or the county from providing the
23 level of services provided as of the effective date of the Act
24 enacting this chapter to the area in the district. The district is
25 created to supplement and not to supplant city or county services
26 provided in the district.

27 Sec. 3914.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

1 The district is created to serve a public use and benefit.

2 (b) All land and other property included in the district
3 will benefit from the improvements and services to be provided by
4 the district under powers conferred by Sections 52 and 52-a,
5 Article III, and Section 59, Article XVI, Texas Constitution, and
6 other powers granted under this chapter.

7 (c) The creation of the district is in the public interest
8 and is essential to further the public purposes of:

9 (1) developing and diversifying the economy of the
10 state;

11 (2) eliminating unemployment and underemployment; and

12 (3) developing or expanding transportation and
13 commerce.

14 (d) The district will:

15 (1) promote the health, safety, and general welfare of
16 residents, employers, potential employees, employees, visitors,
17 and consumers in the district, and of the public;

18 (2) provide needed funding for the district to
19 preserve, maintain, and enhance the economic health and vitality of
20 the district territory as a community and business center;

21 (3) promote the health, safety, welfare, and enjoyment
22 of the public by providing pedestrian ways and by landscaping and
23 developing certain areas in the district, which are necessary for
24 the restoration, preservation, and enhancement of scenic beauty;
25 and

26 (4) provide for water, wastewater, drainage, road, and
27 recreational facilities for the district.

1 (e) Pedestrian ways along or across a street, whether at
2 grade or above or below the surface, and street lighting, street
3 landscaping, parking, rail facilities, and street art objects are
4 parts of and necessary components of a street or road and are
5 considered to be a street or road improvement.

6 (f) The district will not act as the agent or
7 instrumentality of any private interest even though the district
8 will benefit many private interests as well as the public.

9 (g) Rail facilities and improvements are necessary and
10 convenient for the:

11 (1) use and implementation of the district's road
12 facilities and improvements; and

13 (2) development and expansion of transportation in
14 this state.

15 Sec. 3914.005. INITIAL DISTRICT TERRITORY. (a) The
16 district is initially composed of the territory described by
17 Section 2 of the Act enacting this chapter.

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

22 (1) organization, existence, or validity;

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

26 (3) right to impose or collect an assessment or tax; or

27 (4) legality or operation.

Sec. 3914.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code;

(3) an enterprise zone created under Chapter 2303, Government Code; or

(4) an industrial district created under Chapter 42, Local Government Code.

Sec. 3914.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3914.008. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3914.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five voting directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each odd-numbered year.

(b) The board by resolution may change the number of voting directors on the board if the board determines that the change is in the best interest of the district. The board may not consist of fewer than five or more than nine voting directors.

Sec. 3914.052. APPOINTMENT OF VOTING DIRECTORS. The Texas

1 Commission on Environmental Quality shall appoint voting directors
2 from persons recommended by the board.

3 Sec. 3914.053. NONVOTING DIRECTORS. The board may appoint
4 nonvoting directors to serve at the pleasure of the voting
5 directors.

6 Sec. 3914.054. QUORUM. For purposes of determining the
7 requirements for a quorum of the board, the following are not
8 counted:

9 (1) a board position vacant for any reason, including
10 death, resignation, or disqualification;

11 (2) a director who is abstaining from participation in
12 a vote because of a conflict of interest; or

13 (3) a nonvoting director.

14 Sec. 3914.055. COMPENSATION. A director is entitled to
15 receive fees of office and reimbursement for actual expenses as
16 provided by Section 49.060, Water Code. Sections 375.069 and
17 375.070, Local Government Code, do not apply to the board.

18 Sec. 3914.056. INITIAL VOTING DIRECTORS. (a) On or after
19 the effective date of the Act creating this chapter, the owner or
20 owners of a majority of the assessed value of the real property in
21 the district according to the most recent certified tax appraisal
22 roll for the county may submit a petition to the Texas Commission on
23 Environmental Quality requesting that the commission appoint as
24 initial voting directors the five persons named in the petition.
25 The commission shall appoint the five persons named in the petition
26 as initial directors by position.

27 (b) Of the initial directors, the terms of directors

1 appointed for positions one through three expire June 1, 2015, and
2 the terms of directors appointed for positions four and five expire
3 June 1, 2017.

4 (c) Section 3914.052 does not apply to this section.

5 (d) This section expires September 1, 2017.

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 3914.101. GENERAL POWERS AND DUTIES. The district has
8 the powers and duties necessary to accomplish the purposes for
9 which the district is created.

10 Sec. 3914.102. IMPROVEMENT PROJECTS AND SERVICES. The
11 district may provide, design, construct, acquire, improve,
12 relocate, operate, maintain, or finance an improvement project or
13 service using any money available to the district, or contract with
14 a governmental or private entity to provide, design, construct,
15 acquire, improve, relocate, operate, maintain, or finance an
16 improvement project or service authorized under this chapter or
17 Chapter 375, Local Government Code.

18 Sec. 3914.103. DEVELOPMENT CORPORATION POWERS. The
19 district, using money available to the district, may exercise the
20 powers given to a development corporation under Chapter 505, Local
21 Government Code, including the power to own, operate, acquire,
22 construct, lease, improve, or maintain a project under that
23 chapter.

24 Sec. 3914.104. NONPROFIT CORPORATION. (a) The board by
25 resolution may authorize the creation of a nonprofit corporation to
26 assist and act for the district in implementing a project or
27 providing a service authorized by this chapter.

1 (b) The nonprofit corporation:

2 (1) has each power of and is considered to be a local
3 government corporation created under Subchapter D, Chapter 431,
4 Transportation Code; and

5 (2) may implement any project and provide any service
6 authorized by this chapter.

7 (c) The board shall appoint the board of directors of the
8 nonprofit corporation. The board of directors of the nonprofit
9 corporation shall serve in the same manner as the board of directors
10 of a local government corporation created under Subchapter D,
11 Chapter 431, Transportation Code, except that a board member is not
12 required to reside in the district.

13 Sec. 3914.105. AGREEMENTS; GRANTS. (a) As provided by
14 Chapter 375, Local Government Code, the district may make an
15 agreement with or accept a gift, grant, or loan from any person.

16 (b) The implementation of a project is a governmental
17 function or service for the purposes of Chapter 791, Government
18 Code.

19 Sec. 3914.106. LAW ENFORCEMENT SERVICES. To protect the
20 public interest, the district may contract with a qualified party,
21 including the county or the city, to provide law enforcement
22 services in the district for a fee.

23 Sec. 3914.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
24 district may join and pay dues to a charitable or nonprofit
25 organization that performs a service or provides an activity
26 consistent with the furtherance of a district purpose.

27 Sec. 3914.108. ECONOMIC DEVELOPMENT. (a) The district may

1 engage in activities that accomplish the economic development
2 purposes of the district.

3 (b) The district may establish and provide for the
4 administration of one or more programs to promote state or local
5 economic development and to stimulate business and commercial
6 activity in the district, including programs to:

7 (1) make loans and grants of public money; and

8 (2) provide district personnel and services.

9 (c) The district may create economic development programs
10 and exercise the economic development powers provided to
11 municipalities by:

12 (1) Chapter 380, Local Government Code; and

13 (2) Subchapter A, Chapter 1509, Government Code.

14 Sec. 3914.109. PARKING FACILITIES. (a) The district may
15 acquire, lease as lessor or lessee, construct, develop, own,
16 operate, and maintain parking facilities or a system of parking
17 facilities, including lots, garages, parking terminals, or other
18 structures or accommodations for parking motor vehicles off the
19 streets and related appurtenances.

20 (b) The district's parking facilities serve the public
21 purposes of the district and are owned, used, and held for a public
22 purpose even if leased or operated by a private entity for a term of
23 years.

24 (c) The district's parking facilities are parts of and
25 necessary components of a street and are considered to be a street
26 or road improvement.

27 (d) The development and operation of the district's parking

1 facilities may be considered an economic development program.

2 Sec. 3914.110. ANNEXATION OF LAND. The district may annex
3 land as provided by Subchapter J, Chapter 49, Water Code.

4 Sec. 3914.111. RAIL FACILITIES. The district may
5 construct, acquire, improve, maintain, finance, and operate rail
6 facilities and improvements.

7 Sec. 3914.112. NO EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain.

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

10 Sec. 3914.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
11 board by resolution shall establish the number of directors'
12 signatures and the procedure required for a disbursement or
13 transfer of district money.

14 Sec. 3914.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
15 The district may acquire, construct, finance, operate, or maintain
16 any improvement or service authorized under this chapter or Chapter
17 375, Local Government Code, using any money available to the
18 district.

19 Sec. 3914.153. PETITION REQUIRED FOR FINANCING SERVICES AND
20 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
21 service or improvement project with assessments under this chapter
22 unless a written petition requesting that service or improvement
23 has been filed with the board.

24 (b) A petition filed under Subsection (a) must be signed by
25 the owners of a majority of the assessed value of real property in
26 the district subject to assessment according to the most recent
27 certified tax appraisal roll for the county.

Sec. 3914.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3914.155. TAX AND ASSESSMENT ABATEMENTS. The district may designate reinvestment zones and may grant abatements of a tax

1 or assessment on property in the zones.

2 SUBCHAPTER E. TAXES AND BONDS

3 Sec. 3914.201. ELECTIONS REGARDING TAXES AND BONDS. (a)

4 The district may issue, without an election, bonds, notes, and
5 other obligations secured by:

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

7 (2) contract payments described by Section 3914.203.

8 (b) The district must hold an election in the manner
9 provided by Subchapter L, Chapter 375, Local Government Code, to
10 obtain voter approval before the district may impose an ad valorem
11 tax or issue bonds payable from ad valorem taxes.

12 (c) Section 375.243, Local Government Code, does not apply
13 to the district.

14 (d) All or any part of any facilities or improvements that
15 may be acquired by a district by the issuance of its bonds may be
16 submitted as a single proposition or as several propositions to be
17 voted on at the election.

18 Sec. 3914.202. OPERATION AND MAINTENANCE TAX. (a) If
19 authorized by a majority of the district voters voting at an
20 election held in accordance with Section 3914.201, the district may
21 impose an operation and maintenance tax on taxable property in the
22 district in accordance with Section 49.107, Water Code, for any
23 district purpose, including to:

24 (1) maintain and operate the district;

25 (2) construct or acquire improvements; or

26 (3) provide a service.

27 (b) The board shall determine the tax rate. The rate may not

1 exceed the rate approved at the election.

2 (c) Section 49.107(h), Water Code, does not apply to the
3 district.

4 Sec. 3914.203. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 Sec. 3914.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
14 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
15 determined by the board. Section 375.205, Local Government Code,
16 does not apply to a loan, line of credit, or other borrowing from a
17 bank or financial institution secured by revenue other than ad
18 valorem taxes.

19 (b) The district may issue bonds, notes, or other
20 obligations payable wholly or partly from ad valorem taxes,
21 assessments, impact fees, revenue, contract payments, grants, or
22 other district money, or any combination of those sources of money,
23 to pay for any authorized district purpose.

24 (c) The limitation on the outstanding principal amount of
25 bonds, notes, and other obligations provided by Section 49.4645,
26 Water Code, does not apply to the district.

27 Sec. 3914.205. TAXES FOR BONDS. At the time the district

1 issues bonds payable wholly or partly from ad valorem taxes, the
2 board shall provide for the annual imposition of a continuing
3 direct annual ad valorem tax, without limit as to rate or amount,
4 for each year that all or part of the bonds are outstanding as
5 required and in the manner provided by Sections 54.601 and 54.602,
6 Water Code.

7 SECTION 2. The Waller County Improvement District No. 2
8 initially includes all territory contained in the following area:

9 TRACT 1

10 Being a tract or parcel of land containing 157.120 acres of
11 land or 6,844,120 square feet, located in the H. & T. C. R. R.
12 Company Survey, Section 107, Abstract 170, Waller County, Texas,
13 Said 157.120 acre tract being out of and a part of a 176.149 acre
14 tract of record in the name of C-2 Pederson Road, LLC in Volume
15 1091, Page 843 in Official Public Records of Waller County, Texas
16 (O.R.W.C.T.), Said 157.120 acre tract being more particularly
17 described as follows (bearings based on aforesaid deed):

18 COMMENCING at a 1/2 inch iron rod found for the northeast
19 corner of aforesaid 176.149 acre tract being in the south line of a
20 called 454 acre tract of record in the name of R&Y Interest in
21 Volume 0553, Page 096, O.R.W.C.T., and being the northeast corner
22 of a called 21.713 acre tract of record in the name of R&Y Interest
23 LTD, in Vol. 0553, Pg. 101, O.R.W.C.T.;

24 THENCE, coincident the north line of aforesaid 176.149 acres
25 and the south line of aforesaid 454 acres, South 88 degrees 04
26 minutes 39 seconds West, a distance of 391.88 feet to a 5/8 inch
27 iron rod with "Gruller" cap set for the northeast corner and POINT

1 OF BEGINNING of the herein described tract;

2 THENCE, through and across aforesaid 176.149 acres, the
3 following two (2) courses:

4 1. South 00 degrees 00 minutes 35 seconds East, a distance
5 of 1,961.84 feet to a 5/8 inch iron rod with "Gruller" cap set;

6 2. North 88 degrees 21 minutes 49 seconds East, a distance
7 of 453.11 feet to a 5/8 inch iron rod with "Gruller" cap set in the
8 east line of aforesaid 176.149 acre tract being in the west line of
9 aforesaid 21.713 acre tract;

10 THENCE, coincident the east line of aforesaid 176.149 acre
11 tract and the west line of aforesaid 21.713 acre tract, South 01
12 degrees 47 minutes 53 seconds East, a distance of 604.37 feet to a
13 1/2 inch iron rod found for the most northerly southeast corner of
14 the herein described tract;

15 THENCE, coincident a north line of aforesaid 21.713 acre
16 tract, South 88 degrees 29 minutes 33 seconds West, a distance of
17 925.08 feet to a 1 inch iron pipe found for an interior corner of the
18 herein described tract;

19 THENCE, coincident a west line of aforesaid 21.713 acre
20 tract, South 02 degrees 08 minutes 14 seconds East, a distance of
21 338.02 feet to a 1 inch iron pipe found for the most southerly
22 southeast corner of the herein described tract being on the north
23 Right-of-Way (R.O.W.) line of a 100 foot wide M.K. & T. Railroad;

24 THENCE, coincident the north R.O.W. line of aforesaid M.K. &
25 T. Railroad and the south line of aforesaid 176.149 acres, South 88
26 degrees 45 minutes 03 seconds West, a distance of 1,660.04 feet to a
27 1 inch iron pipe found for the most southerly southwest corner of

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1 the herein described tract being the southeast corner of a called
2 1.9921 acre tract of record in the name of Sealy Concrete, Inc. of
3 record in Volume 349, Page 491 in the deed records of Waller County,
4 Texas (W.C.D.R.);

5 THENCE, coincident the east line of aforesaid 1.9921 acre
6 tract, North 01 degrees 14 minutes 00 seconds West, a distance of
7 415.06 feet to a 1/2 inch iron rod found for the northeast corner of
8 said 1.9921 acre tract;

9 THENCE, coincident the north line of aforesaid 1.9921 acre
10 tract, South 88 degrees 29 minutes 13 seconds West, a distance of
11 212.89 feet to a 5/8 inch iron rod found for the northwest corner of
12 said 1.9921 acre tract being the most northerly southwest corner of
13 the herein described tract and in the east line of a called 19.36
14 acre tract of record in the name of Katy Prairie Conservation in
15 Volume 0610, Page 049, O.R.W.C.T. & Volume 0514, Page 926,
16 O.R.W.C.T.;

17 THENCE, coincident the west line of aforesaid 176.149 acre
18 tract and the east line of aforesaid 19.36 acre tract, North 01
19 degrees 45 minutes 05 seconds West, a distance of 2,462.65 feet to a
20 5/8 inch iron rod found for the northwest corner of the herein
21 described tract;

22 THENCE, coincident the north line of the herein described
23 tract, North 88 degrees 04 minutes 35 seconds East, a distance of
24 2,397.95 feet to the POINT OF BEGINNING and containing 157.120
25 acres of land.

26 TRACT 2

27 Being a tract or parcel of land containing 19.029 acres of

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land or 828,917 square feet, located in the H. & T. C. R. R. Company Survey, Section 107, Abstract 170, Waller County, Texas, Said 19.029 acre tract being out of and a part of a 176.149 acre tract of record in the name of C-2 Pederson Road, LLC in Volume 1091, Page 843 in Official Public Records of Waller County, Texas (O.R.W.C.T.), Said 19.029 acre tract being more particularly described as follows (bearings based on aforesaid deed):

BEGINNING at a 1/2 inch iron rod found for the northeast corner of aforesaid 176.149 acre tract being in the south line of a called 454 acre tract of record in the name of R&Y Interest in Volume 0553, Page 096, O.R.W.C.T., and being the northeast corner of a called 21.713 acre tract of record in the name of R&Y Interest LTD, in Vol. 0553, Pg. 101, O.R.W.C.T.;

THENCE, coincident the east line of aforesaid 176.149 acre tract and the west line of aforesaid 21.713 acre tract, South 01 degrees 47 minutes 53 seconds East, a distance of 1,963.02 feet to a 5/8 inch iron rod with "Gruller" cap set for the southeast corner of the herein described tract;

THENCE, through and across aforesaid 176.149 acres, the following two (2) courses:

1. South 88 degrees 21 minutes 49 seconds West, a distance of 453.11 feet to a 5/8 inch iron rod with "Gruller" cap set for the southwest corner of the herein described tract;

2. North 00 degrees 00 minutes 35 seconds West, a distance of 1,961.84 feet to a 5/8 inch iron rod with "Gruller" cap set for the northwest corner of the herein described tract being in the north line of aforesaid 176.149 acre tract and the south line of

1 aforesaid 454 acre tract;

2 THENCE, coincident the north line of aforesaid 176.149 acres
3 and the south line of aforesaid 454 acres, North 88 degrees 04
4 minutes 39 seconds East, a distance of 391.88 feet to the POINT OF
5 BEGINNING and containing 19.029 acres of land.

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

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

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

20 (d) The general law relating to consent by political
21 subdivisions to the creation of districts with conservation,
22 reclamation, and road powers and the inclusion of land in those
23 districts has been complied with.

24 (e) All requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect
26 to the notice, introduction, and passage of this Act have been
27 fulfilled and accomplished.

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1 SECTION 4. 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.