

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 167; 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 8065 to read as follows:

CHAPTER 8065. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 167

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8065.0101. 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. 167.

Sec. 8065.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8065.0103. CONFIRMATION AND DIRECTOR 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. 8065.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 8065.0103 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. 8065.0105. 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. 8065.0106. 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. 8065.0201. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 8065.0202, directors  
6 serve staggered four-year terms.

7           Sec. 8065.0202. TEMPORARY DIRECTORS. (a) The temporary  
8 board consists of:

9                   (1) Jesus Espinoza;

10                   (2) Norman E. Gutierrez;

11                   (3) John D. Eckstrum;

12                   (4) Tommy Nichol; and

13                   (5) Blake Cogdell.

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

15                   (1) the date permanent directors are elected under  
16 Section 8065.0103; 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 8065.0103 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 8065.0103; 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. 8065.0301. GENERAL POWERS AND DUTIES. The district  
10 has the powers and duties necessary to accomplish the purposes for  
11 which the district is created.

12       Sec. 8065.0302. 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. 8065.0303. 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. 8065.0304. 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. 8065.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
10 ORDINANCE OR RESOLUTION. The district shall comply with all  
11 applicable requirements of any ordinance or resolution that is  
12 adopted under Section 54.016 or 54.0165, Water Code, and that  
13 consents to the creation of the district or to the inclusion of land  
14 in the district.

15       Sec. 8065.0306. DIVISION OF DISTRICT. (a) The district may  
16 be divided into two or more new districts only if the district:

17               (1) has no outstanding bonded debt; and

18               (2) is not imposing ad valorem taxes.

19       (b) This chapter applies to any new district created by the  
20 division of the district, and a new district has all the powers and  
21 duties of the district.

22       (c) Any new district created by the division of the district  
23 may not, at the time the new district is created, contain any land  
24 outside the area described by Section 2 of the Act enacting this  
25 chapter.

26       (d) The board, on its own motion or on receipt of a petition  
27 signed by the owner or owners of a majority of the assessed value of

1 the real property in the district, may adopt an order dividing the  
2 district.

3 (e) The board may adopt an order dividing the district  
4 before or after the date the board holds an election under Section  
5 8065.0103 to confirm the creation of the district.

6 (f) An order dividing the district shall:

7 (1) name each new district;

8 (2) include the metes and bounds description of the  
9 territory of each new district;

10 (3) appoint temporary directors for each new district;

11 and

12 (4) provide for the division of assets and liabilities  
13 between or among the new districts.

14 (g) On or before the 30th day after the date of adoption of  
15 an order dividing the district, the district shall file the order  
16 with the commission and record the order in the real property  
17 records of each county in which the district is located.

18 (h) Any new district created by the division of the district  
19 shall hold a confirmation and directors' election as required by  
20 Section 8065.0103.

21 (i) If the creation of the new district is confirmed, the  
22 new district shall provide the election date and results to the  
23 commission.

24 (j) Any new district created by the division of the district  
25 must hold an election as required by this chapter to obtain voter  
26 approval before the district may impose a maintenance tax or issue  
27 bonds payable wholly or partly from ad valorem taxes.

1       (k) If the voters of a new district do not confirm the  
2 creation of the new district, the assets, obligations, territory,  
3 and governance of the new district revert to that of the original  
4 district.

5       Sec. 8065.0307. LIMITATION ON USE OF EMINENT DOMAIN. The  
6 district may not exercise the power of eminent domain outside the  
7 district to acquire a site or easement for:

- 8               (1) a road project authorized by Section 8065.0303; or  
9               (2) a recreational facility as defined by Section  
10 49.462, Water Code.

11               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12       Sec. 8065.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
13 The district may issue, without an election, bonds and other  
14 obligations secured by:

- 15               (1) revenue other than ad valorem taxes; or  
16               (2) contract payments described by Section 8065.0403.

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

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

25       Sec. 8065.0402. OPERATION AND MAINTENANCE TAX. (a) If  
26 authorized at an election held under Section 8065.0401, the  
27 district may impose an operation and maintenance tax on taxable

1 property in the district in accordance with Section 49.107, Water  
2 Code.

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

5 Sec. 8065.0403. CONTRACT TAXES. (a) In accordance with  
6 Section 49.108, Water Code, the district may impose a tax other than  
7 an operation and maintenance tax and use the revenue derived from  
8 the tax to make payments under a contract after the provisions of  
9 the contract have been approved by a majority of the district voters  
10 voting at an election held for that purpose.

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

14 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

15 Sec. 8065.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
16 OBLIGATIONS. The district may issue bonds or other obligations  
17 payable wholly or partly from ad valorem taxes, impact fees,  
18 revenue, contract payments, grants, or other district money, or any  
19 combination of those sources, to pay for any authorized district  
20 purpose.

21 Sec. 8065.0502. TAXES FOR BONDS. At the time the district  
22 issues bonds payable wholly or partly from ad valorem taxes, the  
23 board shall provide for the annual imposition of a continuing  
24 direct ad valorem tax, without limit as to rate or amount, while all  
25 or part of the bonds are outstanding as required and in the manner  
26 provided by Sections 54.601 and 54.602, Water Code.

27 Sec. 8065.0503. BONDS FOR ROAD PROJECTS. At the time of



1 issuance, the total principal amount of bonds or other obligations  
2 issued or incurred to finance road projects and payable from ad  
3 valorem taxes may not exceed one-fourth of the assessed value of the  
4 real property in the district.

5 SECTION 2. The Montgomery County Municipal Utility District  
6 No. 167 initially includes all the territory contained in the  
7 following area:

8 BEING 242.128 ACRES OF LAND, MORE OR LESS, WITH 74.18 ACRES SITUATED  
9 IN THE THOMAS DOUGLAS SURVEY, ABSTRACT NUMBER 187 AND 167.88 ACRES  
10 SITUATED IN THE MATTHEW CARTWRIGHT SURVEY, ABSTRACT NUMBER 126, ALL  
11 IN MONTGOMERY COUNTY, TEXAS AND BEING OUT OF THAT CERTAIN CALLED  
12 249.943 ACRE TRACT CONVEYED IN SPECIAL WARRANTY DEED TO AVANTI  
13 2854, LLC, RECORDED UNDER CLERK'S FILE NUMBER 2017006860 OFFICIAL  
14 PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS, TOGETHER WITH THAT  
15 CERTAIN CALLED 0.4658 ACRE TRACT CONVEYED TO AVANTI 2854, LLC,  
16 RECORDED UNDER CLERK'S FILE NUMBER 2018092894 OFFICIAL PUBLIC  
17 RECORDS OF MONTGOMERY COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN  
18 CALLED 8.341 ACRE TRACT AS CONVEYED BY AVANTI 2854, LLC TO  
19 MONTGOMERY COUNTY, TEXAS, A POLITICAL SUBDIVISION OF THE STATE OF  
20 TEXAS, RECORDED IN EXCHANGE DEED UNDER CLERK'S FILE NUMBER  
21 2018092878 OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS;  
22 SAID 242.128 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS  
23 WITH ALL BEARINGS AND COORDINATES REFERENCED TO THE TEXAS  
24 COORDINATE SYSTEM, CENTRAL ZONE 4203 NAD-83, ALL COORDINATES SHOWN  
25 ARE GRID AND MAY BE CONVERTED TO SURFACE BY MULTIPLYING BY THE  
26 COMBINED ADJUSTMENT FACTOR OF 1.00061987:

27 BEGINNING at the lower Northwest corner of the called 249.943 acre

1 tract located at the intersection of the South right-of-way of  
2 Katie Road, a variable width right-of-way designated as a "County  
3 Road" (no deed found), with the East right-of-way of F. M. Highway  
4 2854, a variable width right-of-way as referenced in Deed from J. H.  
5 Talley to the County of Montgomery, State of Texas and recorded in  
6 Volume 716, Page 132 Montgomery County Deed Records; said point  
7 having a coordinate value of North 10,114,844.41 and East  
8 3,774,584.72;

9 THENCE North 87° 21' 23" East for a distance of 1209.36 feet along  
10 the lower North line of the called 249.943 acre tract and South line  
11 of Katie Road to an interior Northwest corner of the herein  
12 described tract and further located at the East line of the Thomas  
13 Douglas Survey and the West line of the Matthew Cartwright Survey;

14 THENCE North 03° 25' 54" West along the upper West line of the called  
15 249.943 acre tract, continuing along the East line of the Thomas  
16 Douglas Survey and the West line of the Matthew Cartwright Survey  
17 passing the North line of Katie Road and the Southeast corner of  
18 that certain called 13.38 acre tract conveyed to Ronald G.  
19 McCracken and spouse, Laura J. McCracken recorded under Clerk's  
20 File Number 2006-077430 Montgomery County Real Property Records,  
21 continuing a deed call distance of 1334.52 feet to the 13.38 acre  
22 tract Northeast corner and being an angle point of the herein  
23 described tract at an upper Southeast corner of that certain called  
24 16.027 acre tract conveyed to Ronald G. McCracken, et ux, recorded  
25 under Clerk's File Number 2007-0573 Montgomery County Real Property  
26 Records;

27 THENCE North 02° 04' 38" West for a distance of 260.11 feet

1 continuing along the East line of the Thomas Douglas Survey and the  
2 West line of the Matthew Cartwright Survey, common to the upper East  
3 line of the called 16.027 acre tract, to the upper Northwest corner  
4 of the herein described tract and the upper Northwest corner of the  
5 called 249.943 acre tract, and located at the Southwest corner of  
6 that certain called 85.194 acre tract conveyed to the Estate of Carl  
7 A. Sudbury, et al to Martha D. Mayer, Trustee, recorded under  
8 Clerk's File Number 2000-003039 Montgomery County Real Property  
9 Records

10 THENCE North 86° 44' 51" East along the South line of the called  
11 85.194 acre tract for a distance of 1570.87 feet to a point for  
12 angle at the called 85.194 acre tract Southeast corner and a  
13 Southwest corner of a called 207 acre tract conveyed to Jasper  
14 Duncan Cartwright and recorded in Volume 626, Page 86 Montgomery  
15 County Deed Records;

16 THENCE North 73° 43' 03" East along the South line of the called 207  
17 acre tract for a distance of 673.34 feet to a point for the  
18 Northeast corner of the herein described tract located in the  
19 Westerly high-bank of Mound Creek;

20 THENCE with the following courses and distances along the Westerly  
21 high-bank of Mound Creek:

22 1) South 34° 16' 12" East for a distance of 44.50 feet to a point  
23 for corner;

24 2) South 67° 14' 09" East for a distance of 51.81 feet to a point  
25 for corner;

26 3) South 54° 16' 20" East for a distance of 22.71 feet to a point  
27 for corner;

- 1 4) South 14° 59' 12" West for a distance of 33.77 feet to a point  
2 for corner/;
- 3 5) South 49° 10' 18" East for a distance of 21.62 feet to a point  
4 for corner;
- 5 6) South 08° 50' 45" East for a distance of 32.07 feet to a point  
6 for corner;
- 7 7) South 14° 29' 14" West for a distance of 59.23 feet to a point  
8 for corner;
- 9 8) South 19° 56' 34" East for a distance of 59.05 feet to a point  
10 for corner;
- 11 9) South 06° 16' 39" East for a distance of 90.94 feet to a point  
12 for corner;
- 13 10) South 11° 21' 07" East for a distance of 38.72 feet to a point  
14 for corner;
- 15 11) South 32° 51' 33" East for a distance of 103.15 feet to a point  
16 for corner;
- 17 12) South 31° 08' 48" East for a distance of 111.54 feet to a point  
18 for corner;
- 19 13) South 67° 19' 47" East for a distance of 37.51 feet to a point  
20 for corner;
- 21 14) South 39° 35' 32" East for a distance of 31.28 feet to a point  
22 for corner;
- 23 15) South 27° 22' 39" East for a distance of 173.85 feet to a point  
24 for corner;
- 25 16) South 00° 37' 47" East for a distance of 35.63 feet to a point  
26 for corner;
- 27 17) South 26° 43' 57" East for a distance of 34.32 feet to a point

1 for corner;  
2 18) South 49° 57' 22" East for a distance of 106.17 feet to a point  
3 for corner;  
4 19) South 43° 57' 10" East for a distance of 174.91 feet to a point  
5 for corner;  
6 20) South 00° 25' 37" East for a distance of 255.88 feet to a point  
7 for corner;  
8 21) South 23° 28' 27" E for a distance of 14.24 feet to a point  
9 THENCE South 86° 19' 53" West for a distance of 82.61 feet along the  
10 West line of the aforesaid called 207 acre tract to an interior  
11 corner of the herein described tract;  
12 THENCE South 03° 16' 56" East for a distance of 1398.16 feet  
13 continuing along the West line of the called 207 acre tract to a  
14 point for the upper Southeast corner of the herein described tract  
15 and Southeast corner of the called 249.943 acre tract and being in  
16 the North line of that certain called 75 acre tract conveyed to  
17 Jasper Duncan Cartwright in Deed recorded in Volume 626, Page 509  
18 Montgomery County Deed Records;  
19 THENCE South 86° 41' 48" West for a distance of 1041.81 feet along  
20 the Cartwright North line to an interior corner of the herein  
21 described tract  
22 THENCE South 12° 01' 56" East for a distance of 329.46 feet to a  
23 Southeast corner of the herein described tract at an interior  
24 corner of the called 75 acre tract;  
25 THENCE South 87° 26' 11" West for a distance of 1692.85 feet along  
26 the Westerly North line of the called 75 acre tract to a Northwest  
27 corner of the called 75 acre tract at an interior corner of the

1 herein described tract;  
2 THENCE South 06° 29' 00" E for a distance of 354.36 feet along the  
3 West line of the called 75 acre tract to the Southwest corner of the  
4 called 74 acre tract and being an interior corner of the herein  
5 described tract;  
6 THENCE North 87° 41' 38" East for a distance of 144.44 feet to a  
7 lower Northeast corner of the herein described tract and being a  
8 Northwest corner of that certain called 98.2 acre tract conveyed to  
9 Patricia Joe Schuller in Deed recorded in Volume 626, Page 78  
10 Montgomery County Deed Records;  
11 THENCE South 03° 16' 52" East along the West line of the called 98.2  
12 acre tract and the West line of a called 9.0054 acre tract conveyed  
13 to James Michael Brown recorded under Clerk's File Number 9703943  
14 Montgomery County Real Property Records; in all, a distance of  
15 1900.40 feet to the Southeast corner of the herein described tract;  
16 THENCE South 87° 11' 56" West along the North line of that certain  
17 called 5.435 acre tract conveyed to Patricia S. Smith recorded  
18 under Clerk's File Number 9346082 Montgomery County Real Property  
19 Records, and along the North line of that certain called 1.000 acre  
20 tract conveyed to Barnie E. Edwards recorded under Clerk's File  
21 Number 8213103 Montgomery County Real Property Records for a  
22 distance of 559.03 feet to the Southwest corner of the herein  
23 described tract, located in the East line of F. M. 2854;  
24 THENCE with the following courses and distances along the East line  
25 of F. M. 2854 and the West line of the called 249.943 acre tract as  
26 follows:  
27 1) North 36° 18' 16" West for a distance of 246.29 feet to a point

1 for corner;  
2 2) North  $28^{\circ} 02' 36''$  West for a distance of 577.02 feet to the  
3 beginning of a non-tangential curve to the right;  
4 3) Along said curve turning to the right through an angle of  $13^{\circ} 16'$   
5  $17''$ , having a radius of 2804.83 feet, an arc length of 649.68 feet  
6 and whose long chord bears North  $21^{\circ} 15' 04''$  West for a distance of  
7 648.23 feet to a point of intersection with a non-tangential line;  
8 4) North  $08^{\circ} 21' 11''$  West for a distance of 286.54 feet to a point  
9 for corner at the Southwest corner of the aforementioned called  
10 8.341 acre tract;  
11 THENCE with the following courses and distances along the called  
12 8.341 acre tract:  
13 1) North  $38^{\circ} 33' 59''$  East for a distance of 79.38 feet to a point  
14 for corner;  
15 2) North  $85^{\circ} 41' 19''$  East for a distance of 431.79 feet to the  
16 beginning of a curve to the left;  
17 3) With said curve turning to the left through an angle of  $90^{\circ} 00'$   
18  $00''$ , having a radius of 201.00 feet, an arc length of 315.73 feet  
19 and whose long chord bears North  $40^{\circ} 41' 19''$  East for a distance of  
20 284.26 feet to a point for corner;  
21 4) North  $04^{\circ} 18' 41''$  West for a distance of 148.00 feet to the  
22 beginning of a curve to the left;  
23 5) Along said curve turning to the left through an angle of  $90^{\circ} 00'$   
24  $00''$ , having a radius of 201.00 feet, an arc length of 315.73 feet  
25 and whose long chord bears North  $49^{\circ} 18' 41''$  West for a distance of  
26 284.26 feet;  
27 6) South  $85^{\circ} 41' 19''$  West for a distance of 433.95 feet to a point

1 for corner;

2 7) North 50° 06' 44" West for a distance of 71.76 feet to a point  
3 for corner in the East line of F. M. 2854;

4 THENCE with the following courses and distances along the East line  
5 of F. M. 2854 and the West line of the called 249.943 acre tract as  
6 follows:

7 1) North 05° 14' 58" West for a distance of 129.46 feet to a point  
8 for corner;

9 2) North 07° 34' 43" West for a distance of 190.26 feet to a point  
10 for corner;

11 3) North 11° 52' 28" West for a distance of 584.29 feet to the  
12 beginning of a non-tangential curve to the left;

13 4) Along said curve turning to the left through 03° 40' 20", having  
14 a radius of 5809.65 feet, an arc length of 372.36 feet and whose  
15 long chord bears North 16° 15' 44" West for a distance of 372.30 feet  
16 to the Point of Beginning and containing a calculated area of  
17 242.128 acres.

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

25 (b) The governor, one of the required recipients, has  
26 submitted the notice and Act to the Texas Commission on  
27 Environmental Quality.



1           (c) The Texas Commission on Environmental Quality has filed  
2 its recommendations relating to this Act with the governor, the  
3 lieutenant governor, and the speaker of the house of  
4 representatives within the required time.

5           (d) All requirements of the constitution and laws of this  
6 state and the rules and procedures of the legislature with respect  
7 to the notice, introduction, and passage of this Act are fulfilled  
8 and accomplished.

9           SECTION 4. (a) Section 8065.0307, Special District Local  
10 Laws Code, as added by Section 1 of this Act, takes effect only if  
11 this Act receives a two-thirds vote of all the members elected to  
12 each house.

13           (b) If this Act does not receive a two-thirds vote of all the  
14 members elected to each house, Subchapter C, Chapter 8065, Special  
15 District Local Laws Code, as added by Section 1 of this Act, is  
16 amended by adding Section 8065.0307 to read as follows:

17           Sec. 8065.0307. NO EMINENT DOMAIN POWER. The district may  
18 not exercise the power of eminent domain.

19           (c) This section is not intended to be an expression of a  
20 legislative interpretation of the requirements of Section 17(c),  
21 Article I, Texas Constitution.

22           SECTION 5. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3047 was passed by the House on May 3, 2019, by the following vote: Yeas 123, Nays 17, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3047 was passed by the Senate on May 22, 2019, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor