

By: Thompson of Brazoria

H.B. No. 4424

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Clear Creek Watershed Regional Flood Control District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; providing a civil penalty.

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

SECTION 1. Subtitle E, Title 6, Special District Local Laws Code, is amended by adding Chapter 7813 to read as follows:

CHAPTER 7813. CLEAR CREEK WATERSHED REGIONAL FLOOD CONTROL DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7813.0101. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means the Clear Creek Watershed Regional Flood Control District.

Sec. 7813.0102. NATURE OF DISTRICT. (a) The district is a conservation and reclamation district and flood control district as provided by this chapter.

(b) The creation of the district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 7813.0103. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

5 (1) organization, existence, or validity;

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

9 (3) right to impose a tax; or

10 (4) legality or operation.

11 Sec. 7813.0104. CONFLICTS OF LAW. This chapter prevails
12 over any provision of general law, including a provision of Chapter
13 56 or 57, Water Code, that is in conflict or is inconsistent with
14 this chapter.

15 SUBCHAPTER A-1. TEMPORARY PROVISIONS

16 Sec. 7813.0121. TEMPORARY DIRECTORS. As soon as
17 practicable after the effective date of the Act enacting this
18 chapter, the temporary directors of the district shall be appointed
19 as follows:

20 (1) the commissioners courts of Brazoria and Harris
21 Counties shall each appoint one director to serve a term that
22 expires September 30, 2021; and

23 (2) the commissioners courts of Fort Bend, Galveston,
24 and Harris Counties shall each appoint one director to serve a term
25 that expires September 30, 2023.

26 Sec. 7813.0122. CONFIRMATION ELECTION REQUIRED. The
27 temporary directors shall hold an election to confirm the creation

1 of the district as provided by Section 49.102, Water Code.

2 Sec. 7813.0123. EXPIRATION. This subchapter expires
3 December 31, 2024.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 7813.0201. GOVERNING BODY; TERMS. (a) The district is
6 governed by a board of five appointed directors.

7 (b) Except as provided by Section 7813.0121, directors
8 serve staggered four-year terms.

9 Sec. 7813.0202. APPOINTMENT OF DIRECTORS; VACANCY. (a)
10 The directors are appointed as follows:

11 (1) one director appointed by the commissioners court
12 of Brazoria County;

13 (2) one director appointed by the commissioners court
14 of Fort Bend County;

15 (3) one director appointed by the commissioners court
16 of Galveston County; and

17 (4) two directors appointed by the commissioners court
18 of Harris County.

19 (b) On the expiration of a director's term, the
20 commissioners court that appointed the director shall appoint a
21 successor.

22 (c) If a vacancy occurs during a director's term, the
23 commissioners court that appointed the director shall appoint a
24 person to serve as director for the remainder of the term.

25 Sec. 7813.0203. COMPENSATION OF DIRECTORS. (a)
26 Notwithstanding Section 49.060, Water Code, a director is not
27 entitled to receive compensation for service on the board.

1 (b) A director may be reimbursed for actual district travel
2 expenses.

3 Sec. 7813.0204. GENERAL MANAGER BOND. (a) The general
4 manager of the district shall execute a bond that is:

5 (1) in an amount set by the board;

6 (2) payable to the district; and

7 (3) conditioned on the general manager's faithful
8 performance of the general manager's duties.

9 (b) The district shall pay for the bond described by
10 Subsection (a).

11 Sec. 7813.0205. DISTRICT ENGINEER. (a) The board shall
12 appoint a professional civil engineer as the district engineer.

13 (b) The district engineer shall execute a bond that is:

14 (1) in an amount set by the board;

15 (2) payable to the district; and

16 (3) conditioned on the faithful performance of the
17 district engineer's duties.

18 (c) The district shall pay for the bond described by
19 Subsection (b).

20 (d) The board shall determine the compensation and terms of
21 employment for the district engineer.

22 Sec. 7813.0206. BOND FOR EMPLOYEE RESPONSIBLE FOR MONEY.

23 (a) The board shall require an employee who collects, pays, or
24 handles district money to provide a good and sufficient bond that
25 is:

26 (1) in an amount sufficient to safeguard the district;

27 (2) payable to the district; and

1 (3) conditioned on:

2 (A) the faithful performance of the employee's
3 duties; and

4 (B) accounting for all district money and
5 property under the employee's control.

6 (b) The district shall pay for the bond described by
7 Subsection (a).

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7813.0301. FLOOD CONTROL DISTRICT POWERS AND DUTIES.

10 The district may exercise the rights, powers, privileges, and
11 functions provided by Section 59, Article XVI, Texas Constitution,
12 Chapters 49, 56, and 57, Water Code, and this chapter.

13 Sec. 7813.0302. LOCAL COOPERATION. The district shall
14 cooperate with other political subdivisions in order to provide
15 uniform flood prevention programs and planning.

16 Sec. 7813.0303. FLOOD CONTROL AND DRAINAGE PLAN. (a) The
17 district shall develop a flood control and drainage plan for all
18 land in the district, including the main channel and all
19 tributaries of Clear Creek.

20 (b) The board shall direct the district engineer to prepare
21 a flood control and drainage plan that provides for:

22 (1) control and abatement of flood water and other
23 excess water; and

24 (2) reclamation and drainage of land in the district.

25 (c) The district engineer shall file the completed plan with
26 the board and the commissioners court of each county that appoints a
27 director.

1 (d) In preparing the plan, the district engineer may:

2 (1) exercise the powers and shall exercise the duties
3 provided by Sections 56.022 and 56.023, Water Code; and

4 (2) consider and use all or part of any previously
5 prepared flood control and drainage plan that covers any area in the
6 district.

7 Sec. 7813.0304. FLOOD CONTROL AND DRAINAGE PLAN; NOTICE AND
8 HEARING. (a) On receipt of the completed flood control and
9 drainage plan, the board shall schedule a public hearing to
10 consider adoption of the plan. The board must publish notice of the
11 hearing at least once in a newspaper with general circulation in the
12 district not later than the 30th day before the date of the hearing.

13 (b) At the hearing, any person who resides or owns property
14 in the district or a political subdivision located wholly or partly
15 in the district may appear before the board and comment for or
16 against all or part of the plan.

17 Sec. 7813.0305. FLOOD CONTROL AND DRAINAGE PLAN; ADOPTION.

18 (a) After holding the public hearing required by Section 7813.0304,
19 the board shall issue its findings and decision.

20 (b) If the board finds that the flood control and drainage
21 plan requires changes before it can be adopted, the board shall
22 direct the district engineer to make the necessary changes. The
23 district engineer shall make the changes and resubmit the plan to
24 the board.

25 (c) Without further public hearing, the board may continue
26 to direct the district engineer to make changes to the plan until
27 the board finds the plan acceptable for adoption.

1 (d) If the board finds the plan acceptable for adoption, the
2 board shall submit the plan to the commissioners court of each
3 county that appoints a director. The commissioners courts may
4 consider the plan and recommend changes to the plan.

5 (e) If the board and commissioners courts cannot agree on
6 changes to the plan, the board shall submit the provisions in the
7 plan that are in dispute to the district engineer for resolution of
8 the dispute.

9 (f) Not earlier than the 30th day after the date the plan is
10 submitted to the commissioners courts, the board shall adopt the
11 plan as revised to reflect all necessary changes.

12 Sec. 7813.0306. FLOOD CONTROL AND DRAINAGE PLAN;
13 AMENDMENTS. After adopting the flood control and drainage plan,
14 the board may amend the flood control and drainage plan as necessary
15 to accomplish the purpose stated in Section 7813.0303.

16 Sec. 7813.0307. FLOOD CONTROL AND DRAINAGE PLAN;
17 IMPLEMENTATION. (a) In accordance with the flood control and
18 drainage plan, the district shall:

19 (1) construct improvements on the main channel of
20 Clear Creek that will lessen and control flooding;

21 (2) prevent or remove deposits of silt and remove
22 natural or artificial obstructions from the main channel of Clear
23 Creek;

24 (3) conduct flood-control-related maintenance on the
25 main channel of Clear Creek; and

26 (4) approve and coordinate all flood control
27 improvements and maintenance located in the district.

1 (b) Under a written agreement with a political subdivision
2 that is subject to the flood control and drainage plan, the district
3 may construct improvements on any watercourse or land in the
4 district to:

5 (1) lessen and control flooding;

6 (2) prevent or remove deposits of silt and remove
7 natural or artificial obstructions from any watercourse; or

8 (3) conduct flood-control-related maintenance on any
9 watercourse.

10 Sec. 7813.0308. CONSTRUCTION OF IMPROVEMENTS. (a) The
11 district may only construct improvements compatible with the flood
12 control and drainage plan.

13 (b) Only the district may construct improvements or perform
14 maintenance on the main channel of Clear Creek. The district may
15 contract for the construction and maintenance of improvements to
16 the main channel of Clear Creek. The district is responsible for
17 assuring that all construction and maintenance is done in
18 conformance with the flood control and drainage plan.

19 (c) Other political subdivisions than the district may
20 construct improvements and perform maintenance on lands draining
21 into Clear Creek or its tributaries, including detention
22 structures, and channels other than the main channel of Clear
23 Creek. The district may construct improvements and perform
24 maintenance under this subsection under an agreement with the
25 applicable political subdivision.

26 Sec. 7813.0309. PERMIT REQUIRED FOR ACTIVITY AFFECTING
27 FLOOD CONTROL OR DRAINAGE. (a) Except as provided by Subsection

1 (b), a person may not engage in an activity that will affect flood
2 control or drainage in the district without obtaining a permit from
3 the board.

4 (b) After notice and hearing, the board may adopt a rule or
5 issue an order that exempts a specified activity from obtaining a
6 permit under this section. The board may exempt an activity only if
7 the board, after consultation with the district engineer, finds
8 that the activity will have at most a minimal effect on flood
9 control and drainage.

10 Sec. 7813.0310. NOTICE OF ACTIVITIES AFFECTING FLOOD
11 CONTROL OR DRAINAGE. (a) A person that plans to engage in an
12 activity that will affect flood control or drainage in the district
13 shall submit written notice to the board of the intent to engage in
14 the activity, accompanied by plans, specifications, and other
15 information relating to the activity.

16 (b) A person shall submit the notice and other information
17 required by Subsection (a) in the form and time period provided by
18 board rules.

19 Sec. 7813.0311. CONSIDERATION OF ACTIVITY BY DISTRICT
20 ENGINEER. (a) On receiving notice of a proposed activity under
21 Section 7813.0310, the board shall submit the notice and other
22 information to the district engineer for consideration.

23 (b) The district engineer shall examine the notice and other
24 information to determine:

25 (1) the effect of the proposed activity on flood
26 control and drainage in the district; and

27 (2) whether the proposed activity is compatible with

1 the flood control and drainage plan.

2 (c) The district engineer shall consult with the person
3 submitting the notice and information and suggest changes in the
4 proposed plans and specifications for the activity necessary to
5 make the activity compatible with the flood control and drainage
6 plan.

7 (d) If the district engineer and the person proposing an
8 activity agree to plans and specifications for the activity that
9 are compatible with the flood control and drainage plan as
10 determined by the district engineer, the district engineer shall
11 recommend that the board issue a permit authorizing the activity.
12 If the district engineer and the person proposing an activity
13 cannot agree, the district engineer shall recommend that the board
14 decline to issue a permit authorizing the activity. The district
15 engineer's recommendation shall be included in a brief written
16 report to the board stating the district engineer's reasons for the
17 recommendation.

18 Sec. 7813.0312. BOARD CONSIDERATION AND ACTION. (a) On
19 receiving the district engineer's report under Section
20 7813.0311(d), the board may issue a permit without giving notice or
21 holding a public hearing to consider the issuance.

22 (b) After consideration of the district engineer's report,
23 the board may deny issuance of a permit only if the board gives
24 notice and holds a public hearing in accordance with the district's
25 rules to consider the issuance of the permit. After conducting the
26 hearing, the board shall issue a written decision granting or
27 denying the permit or granting the permit subject to specific

1 requirements. The decision must state the findings of the board in
2 making the decision.

3 Sec. 7813.0313. OBSTRUCTIONS AND STRUCTURES. (a) A person
4 may not place an obstruction or construct or alter a structure that
5 affects flood control or drainage on land in the district if the
6 obstruction or structure is not compatible with the flood control
7 and drainage plan and the district has not issued a permit for the
8 activity.

9 (b) After notice and hearing, the board may issue an order
10 directing a person to remove or make changes to an obstruction or
11 structure constructed after adoption of the flood control and
12 drainage plan as necessary to comply with the plan.

13 Sec. 7813.0314. INJUNCTIVE RELIEF. If a person engages in
14 an activity that will affect flood control or drainage in the
15 district without a permit or places an obstruction or constructs or
16 alters a structure in violation of an order issued by the board
17 under Section 7813.0313, the board may sue in a district court in
18 any county in which the activity is occurring or an obstruction is
19 built for injunctive relief to restrain the person from continuing
20 the violation or to require the person to remove an obstruction or
21 structure.

22 Sec. 7813.0315. CIVIL PENALTY. (a) A person who violates
23 Section 7813.0309 or 7813.0313 or any order issued by the board
24 under Section 7813.0309 or 7813.0313 is subject to a civil penalty
25 of not less than \$100 or more than \$1,000 for each violation or each
26 day of a continuing violation.

27 (b) If a suit is filed under this section to recover a civil

1 penalty, the court may include in any final judgment in favor of the
2 district an award to cover court costs and reasonable attorney's
3 fees.

4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

5 Sec. 7813.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

6 The district may issue, without an election, bonds and other
7 obligations secured by revenue other than ad valorem taxes.

8 (b) The district must hold an election in the manner
9 provided by Chapters 49 and 57, Water Code, to obtain voter approval
10 before the district may impose an ad valorem tax or issue bonds
11 payable from ad valorem taxes.

12 Sec. 7813.0402. OPERATION AND MAINTENANCE TAX. (a) If

13 authorized at an election held under Section 7813.0401, the
14 district may impose an operation and maintenance tax on taxable
15 property in the district in accordance with Section 49.107, Water
16 Code.

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

19 Sec. 7813.0403. BUDGET. (a) The board shall adopt an

20 annual budget containing a complete financial statement of the
21 district.

22 (b) The board shall conduct a public hearing on the proposed
23 budget on a date set by the board after August 15 and before the
24 imposition of district taxes. The board shall give public notice of
25 the hearing by publication in a newspaper of general circulation in
26 the district at least 15 days before the date of the hearing.

1 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

2 Sec. 7813.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3 OBLIGATIONS. The district may issue bonds or other obligations
4 payable wholly or partly from ad valorem taxes, impact fees,
5 revenue, contract payments, grants, or other district money, or any
6 combination of those sources, to pay for any authorized district
7 purpose.

8 Sec. 7813.0502. TAXES FOR BONDS. At the time the district
9 issues bonds payable wholly or partly from ad valorem taxes, the
10 board shall provide for the annual imposition of a continuing
11 direct ad valorem tax, without limit as to rate or amount, while all
12 or part of the bonds are outstanding as required and in the manner
13 provided by Sections 57.251 and 57.259, Water Code.

14 Sec. 7813.0503. AD VALOREM BONDS FOR IMPROVEMENTS. The
15 district may issue bonds under this chapter supported by ad valorem
16 taxes on property in the district to finance up to one-half of the
17 cost of construction under Section 7813.0307 if the district finds
18 that the project will not be constructed without the use of the ad
19 valorem taxes.

20 Sec. 7813.0504. JOINT PROJECTS BONDS. (a) The district may
21 issue bonds secured by revenues arising from a contract with a
22 political subdivision located wholly or partly in the district for
23 the construction of an improvement identified in the flood control
24 and drainage plan. The district shall provide the proceeds from the
25 bonds to the local political subdivision for the construction of
26 the improvement, or, if the contract with the political subdivision
27 requires the district to construct the improvements, the district

1 shall use the proceeds for the required construction. Bonds issued
2 under this section are subject to Subchapter F, Chapter 49, Water
3 Code, except that any provision associated with the imposition of
4 an ad valorem tax does not apply.

5 (b) A political subdivision located wholly or partly in the
6 district may enter into any contract with the district. The
7 political subdivision may pledge to the payment of the contract any
8 source of revenue available to the political subdivision, including
9 the imposition of ad valorem taxes, if the political subdivision
10 has the authority to impose those taxes. To the extent a political
11 subdivision pledges money to be derived from any of its own systems,
12 the payments constitute an operating expense of that system.

13 (c) The district may issue bonds supported by revenues under
14 this section to finance all or part of the cost of construction of
15 improvements under the flood control and drainage plan implemented
16 under Subchapter C.

17 SECTION 2. The Clear Creek Watershed Regional Flood Control
18 District initially includes all the territory contained in the
19 following area:

20 The district is composed of Brazoria County tracts 0601.10,
21 0601.20, 0602.12, 0602.22, and 0602.32; and that part of Brazoria
22 County tract 0602.11 included in block group 1 and blocks 201A,
23 201B, 202A, 202B, 202C, 206B, 301A, and 301B; and that part of
24 Brazoria County tract 0602.21 included in blocks 101, 102, 103,
25 104, 105, 106, 107, 108, 109A, 109B, 110, 111, 112A, 112B, 113A,
26 113B, 114, 115, 116, 117, 118, 119, 120, 301A, 301B, 302B, 303B,
27 304, 305A, 305B, 306A, 306B, 307A, 307B, 308, 309, 310A, 310B, and

1 311; and that part of Brazoria County tract 0603.10 included in
2 blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 308A,
3 308C, 312, 317, 318A, 318B, 319, 320, 321, 322, and 326A; and that
4 part of Fort Bend County tract 0701.15 included in blocks 607A,
5 607B, 614, 615, 616A, and 616B; and that part of Fort Bend County
6 tract 0701.25 included in blocks 101, 102, 103A, 103C, 105, 122,
7 123, 201, 202, 203, 204, and 205; Galveston County tracts 1201.01,
8 1201.02, 1205, 1206.10, and 1206.20; and that part of Galveston
9 County tract 1202 included in block groups 1, 2, 5, and blocks 301,
10 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312A, 312B, 313,
11 314, 315, 316A, 316B, 316C, 319, 401, 402, 403, 404, 405, 406, 407,
12 408, 409, 410, 411, 412, 413, 414, and 415; and that part of
13 Galveston County tract 1203 included in block groups 1, 2, 3, 5, and
14 blocks 401, 402, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413,
15 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426,
16 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439,
17 440, 601, and 602; and that part of Galveston County tract 1204
18 included in block groups 1 and 2 and blocks 304, and 307; and that
19 part of Galveston County tract 1207 included in block groups 1, 3,
20 4, 5, and blocks 201A, 201B, 201E, 202, 203, 204A, and 204B; and
21 that part of Galveston County tract 1208 included in block 407A; and
22 that part of Galveston County tract 1209 included in blocks 101,
23 102, 103, 104, 105, 106, 107, 112, 113, 114, 115, 116, 117, 118,
24 123, 124, 125, 126, 130, and 131; Harris County tracts 0337, 0341,
25 0345.02, 0366.41, 0371.02, 0371.11, 0371.21, 0372, 0373.04, 0374,
26 and 0375; and that part of Harris County tract 0336 included in
27 blocks 403B, 408, 409, 410, 411, and 412; and that part of Harris

1 County tract 0338 included in blocks 401 and 413; and that part of
2 Harris County tract 0340 included in blocks 604, 605, 606, 607, 608,
3 and 609; and that part of Harris County tract 0342 included in
4 blocks 113, 126, 128, 129, 130, 131, 132, and 133; and that part of
5 Harris County tract 0344 included in block 426; and that part of
6 Harris County tract 0345.01 included in block groups 4, 5, 6, and
7 blocks 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314,
8 315, 316, 317, 318, 319, and 320; and that part of Harris County
9 tract 0346 included in blocks 204, 209, 210, 212, and 304; and that
10 part of Harris County tract 0347.03 included in block 202; and that
11 part of Harris County tract 0363 included in blocks 119, 120, 121,
12 301, and 331; and that part of Harris County tract 0366.02 included
13 in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,
14 112, 113, 114, 115, 116, 117, 118, 119, 120A, 120B, 120C, 123, 124,
15 125, 126, 199A, 201, 202, 203, 204, 210, 212, 213, 214, 215, 216,
16 217A, 217B, 301, 302, 303, 304, 305, and 307; and that part of
17 Harris County tract 0366.21 included in blocks 302A, 302B, and 303;
18 and that part of Harris County tract 0366.31 included in blocks 901,
19 902, 903, 904A, 904B, 904C, 904D, 904E, 905A, 905B, 905C, 905D,
20 905E, 905F, 909, 910, 911A, 911B, 911C, 912A, 912B, 912C, 912D,
21 913A, 913B, 914, 915, 916, 917, 999A, and 999B; and that part of
22 Harris County tract 0367 included in blocks 103A, 103B, 103C, 103D,
23 129A, 129C, 130A, 130C, 131A, 131B, 131C, 132, 133, 199A, 199C, and
24 199D; and that part of Harris County tract 0368.01 included in block
25 groups 5, 6, 7, 8, and blocks 402A, 402B, 402C, 402D, 402E, 403,
26 404, 499A, 499B, 499C, 499D, and 499E; and that part of Harris
27 County tract 0368.02 included in blocks 109, 113, 115, 202, 203,

1 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 305, 308, 309,
2 312, 315, 316, 319, 320, 323, 324, 325, 326, 327, 328, 329, 330,
3 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343,
4 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 358,
5 359, 364, 365, and 399; and that part of Harris County tract 0369
6 included in block group 1 and blocks 201, 202, 203, 204, 205, 206,
7 207A, 207C, 209, 212, 299, 301A, 301B, 301C, 301D, 304A, 306, 309,
8 310, 399A, and 399B; and that part of Harris County tract 0370.10
9 included in block groups 1 and 2 and blocks 301A, 301B, and 303; and
10 that part of Harris County tract 0370.20 included in blocks 901A and
11 903; and that part of Harris County tract 0373.02 included in block
12 group 6 and blocks 305, 308, 309, 702, 703, 704, and 705; and that
13 part of Harris County tract 0373.03 included in block groups 1, 2,
14 3, and blocks 401A, 401B, 403, 409, 410, 411, 412, 413, 414, 415,
15 416, 417, 418, 419, 420, 421, 422, 423, 505, 506, 507, 508, 509,
16 510, 511, and 512; and that part of Harris County tract 0373.11
17 included in blocks 101A, 101B, 102, 103, 104, 301A, 301B, 303A, and
18 303B; and that part of Harris County tract 0373.21 included in block
19 group 3 and blocks 111, 201, 202, 203, 206, 207, 209, 210, 211, 212,
20 213, 214, 215, 216, 217B, 218, 219, and 220.

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

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

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

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

12 SECTION 4. (a) If this Act does not receive a two-thirds
13 vote of all the members elected to each house, Subchapter C, Chapter
14 7813, Special District Local Laws Code, as added by Section 1 of
15 this Act, is amended by adding Section 7813.0316 to read as follows:

16 Sec. 7813.0316. NO EMINENT DOMAIN POWER. The district may
17 not exercise the power of eminent domain.

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

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