

1-1 By: Zaffirini S.B. No. 871
 1-2 (In the Senate - Filed February 19, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; April 23, 2019, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
 1-6 April 23, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 871 By: Alvarado

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Caldwell County Municipal Utility
 1-20 District No. 2; granting a limited power of eminent domain;
 1-21 providing authority to issue bonds; providing authority to impose
 1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 8053 to read as follows:

1-26 CHAPTER 8053. CALDWELL COUNTY MUNICIPAL UTILITY DISTRICT NO. 2
 1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 8053.0101. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.
 1-30 (2) "Commission" means the Texas Commission on
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.

1-33 (4) "District" means the Caldwell County Municipal
 1-34 Utility District No. 2.

1-35 Sec. 8053.0102. NATURE OF DISTRICT. The district is a
 1-36 municipal utility district created under Section 59, Article XVI,
 1-37 Texas Constitution.

1-38 Sec. 8053.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-39 REQUIRED. The temporary directors shall hold an election to
 1-40 confirm the creation of the district and to elect five permanent
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 8053.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 8053.0103 until each municipality in whose corporate limits or
 1-45 extraterritorial jurisdiction the district is located has
 1-46 consented by ordinance or resolution to the creation of the
 1-47 district and to the inclusion of land in the district.

1-48 Sec. 8053.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:

1-51 (1) a municipal utility district as provided by
 1-52 general law and Section 59, Article XVI, Texas Constitution; and

1-53 (2) Section 52, Article III, Texas Constitution, that
 1-54 relate to the construction, acquisition, improvement, operation,
 1-55 or maintenance of macadamized, graveled, or paved roads, or
 1-56 improvements, including storm drainage, in aid of those roads.

1-57 Sec. 8053.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-58 district is initially composed of the territory described by
 1-59 Section 2 of the Act enacting this chapter.

1-60 (b) The boundaries and field notes contained in Section 2 of
 1-61 the Act enacting this chapter form a closure. A mistake made in the
 1-62 field notes or in copying the field notes in the legislative process
 1-63 does not affect the district's:

- 2-1 (1) organization, existence, or validity;
- 2-2 (2) right to issue any type of bond for the purposes
- 2-3 for which the district is created or to pay the principal of and
- 2-4 interest on a bond;
- 2-5 (3) right to impose a tax; or
- 2-6 (4) legality or operation.

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8053.0201. GOVERNING BODY; TERMS. (a) The district

2-9 is governed by a board of five elected directors.

2-10 (b) Except as provided by Section 8053.0202, directors

2-11 serve staggered four-year terms.

2-12 Sec. 8053.0202. TEMPORARY DIRECTORS. (a) The temporary

2-13 board consists of:

- 2-14 (1) Rene Abrego;
- 2-15 (2) Sam Sanborn;
- 2-16 (3) Danielle Benson;
- 2-17 (4) John Casey Roy; and
- 2-18 (5) Maya Ingram.

2-19 (b) Temporary directors serve until the earlier of:

2-20 (1) the date permanent directors are elected under

2-21 Section 8053.0103; or

2-22 (2) the fourth anniversary of the effective date of

2-23 the Act enacting this chapter.

2-24 (c) If permanent directors have not been elected under

2-25 Section 8053.0103 and the terms of the temporary directors have

2-26 expired, successor temporary directors shall be appointed or

2-27 reappointed as provided by Subsection (d) to serve terms that

2-28 expire on the earlier of:

- 2-29 (1) the date permanent directors are elected under
- 2-30 Section 8053.0103; or
- 2-31 (2) the fourth anniversary of the date of the
- 2-32 appointment or reappointment.

2-33 (d) If Subsection (c) applies, the owner or owners of a

2-34 majority of the assessed value of the real property in the district

2-35 may submit a petition to the commission requesting that the

2-36 commission appoint as successor temporary directors the five

2-37 persons named in the petition. The commission shall appoint as

2-38 successor temporary directors the five persons named in the

2-39 petition.

2-40 SUBCHAPTER C. POWERS AND DUTIES

2-41 Sec. 8053.0301. GENERAL POWERS AND DUTIES. The district

2-42 has the powers and duties necessary to accomplish the purposes for

2-43 which the district is created.

2-44 Sec. 8053.0302. MUNICIPAL UTILITY DISTRICT POWERS AND

2-45 DUTIES. The district has the powers and duties provided by the

2-46 general law of this state, including Chapters 49 and 54, Water Code,

2-47 applicable to municipal utility districts created under Section 59,

2-48 Article XVI, Texas Constitution.

2-49 Sec. 8053.0303. AUTHORITY FOR ROAD PROJECTS. Under Section

2-50 52, Article III, Texas Constitution, the district may design,

2-51 acquire, construct, finance, issue bonds for, improve, operate,

2-52 maintain, and convey to this state, a county, or a municipality for

2-53 operation and maintenance macadamized, graveled, or paved roads, or

2-54 improvements, including storm drainage, in aid of those roads.

2-55 Sec. 8053.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A

2-56 road project must meet all applicable construction standards,

2-57 zoning and subdivision requirements, and regulations of each

2-58 municipality in whose corporate limits or extraterritorial

2-59 jurisdiction the road project is located.

2-60 (b) If a road project is not located in the corporate limits

2-61 or extraterritorial jurisdiction of a municipality, the road

2-62 project must meet all applicable construction standards,

2-63 subdivision requirements, and regulations of each county in which

2-64 the road project is located.

2-65 (c) If the state will maintain and operate the road, the

2-66 Texas Transportation Commission must approve the plans and

2-67 specifications of the road project.

2-68 Sec. 8053.0305. COMPLIANCE WITH MUNICIPAL CONSENT

2-69 ORDINANCE OR RESOLUTION. The district shall comply with all

2-70 applicable requirements of any ordinance or resolution that is

2-71 adopted under Section 54.016 or 54.0165, Water Code, and that

3-1 consents to the creation of the district or to the inclusion of land
3-2 in the district.

3-3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-4 Sec. 8053.0401. ELECTIONS REGARDING TAXES OR BONDS.

3-5 (a) The district may issue, without an election, bonds and other
3-6 obligations secured by:

3-7 (1) revenue other than ad valorem taxes; or

3-8 (2) contract payments described by Section 8053.0403.

3-9 (b) The district must hold an election in the manner
3-10 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-11 before the district may impose an ad valorem tax or issue bonds
3-12 payable from ad valorem taxes.

3-13 (c) The district may not issue bonds payable from ad valorem
3-14 taxes to finance a road project unless the issuance is approved by a
3-15 vote of a two-thirds majority of the district voters voting at an
3-16 election held for that purpose.

3-17 Sec. 8053.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-18 authorized at an election held under Section 8053.0401, the
3-19 district may impose an operation and maintenance tax on taxable
3-20 property in the district in accordance with Section 49.107, Water
3-21 Code.

3-22 (b) The board shall determine the tax rate. The rate may not
3-23 exceed the rate approved at the election.

3-24 Sec. 8053.0403. CONTRACT TAXES. (a) In accordance with
3-25 Section 49.108, Water Code, the district may impose a tax other than
3-26 an operation and maintenance tax and use the revenue derived from
3-27 the tax to make payments under a contract after the provisions of
3-28 the contract have been approved by a majority of the district voters
3-29 voting at an election held for that purpose.

3-30 (b) A contract approved by the district voters may contain a
3-31 provision stating that the contract may be modified or amended by
3-32 the board without further voter approval.

3-33 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-34 Sec. 8053.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-35 OBLIGATIONS. The district may issue bonds or other obligations
3-36 payable wholly or partly from ad valorem taxes, impact fees,
3-37 revenue, contract payments, grants, or other district money, or any
3-38 combination of those sources, to pay for any authorized district
3-39 purpose.

3-40 Sec. 8053.0502. TAXES FOR BONDS. At the time the district
3-41 issues bonds payable wholly or partly from ad valorem taxes, the
3-42 board shall provide for the annual imposition of a continuing
3-43 direct ad valorem tax, without limit as to rate or amount, while all
3-44 or part of the bonds are outstanding as required and in the manner
3-45 provided by Sections 54.601 and 54.602, Water Code.

3-46 Sec. 8053.0503. BONDS FOR ROAD PROJECTS. At the time of
3-47 issuance, the total principal amount of bonds or other obligations
3-48 issued or incurred to finance road projects and payable from ad
3-49 valorem taxes may not exceed one-fourth of the assessed value of the
3-50 real property in the district.

3-51 SECTION 2. The Caldwell County Municipal Utility District
3-52 No. 2 initially includes all the territory contained in the
3-53 following area:

3-54 BEING approximately 472.126 acres of land in Caldwell County,
3-55 Texas, said land being all of the 155.27 acres as described in Tract
3-56 "A", and all of the 316.856 acres as described in Tract "B". Those
3-57 individual tracts being described as follows:

3-58 Tract "A"

3-59 BEING 155.27 ACRES OF LAND CONSISTING OF A CALLED 35.0 ACRES OF
3-60 LAND, DESCRIBED AS FOURTH TRACT IN THE W. C. STEFFEY SURVEY,
3-61 ABSTRACT NUMBER 274 IN CALDWELL COUNTY, TEXAS; AND CONSISTING OF
3-62 THE REMAINDER OF A CALLED 142.5 ACRES OF LAND, DESCRIBED AS FIFTH
3-63 TRACT IN THE M. HUNT SURVEY, ABSTRACT NUMBER 137 IN CALDWELL COUNTY,
3-64 TEXAS; SAID FOURTH TRACT AND FIFTH TRACT, HAVING A COMBINED TOTAL OF
3-65 177.5 ACRES, BEING A PORTION OF A 494.8 ACRE TRACT OF LAND CONVEYED
3-66 IN A DEED TO WILLIAM JANNEY GAMBLE, TRUSTEE OF THE KATIE THOMSON
3-67 JANNEY REVOCABLE TRUST "A" AND RECORDED IN VOLUME 403, PAGE 671 OF
3-68 THE DEED RECORDS OF CALDWELL COUNTY, TEXAS (DRCCTX); SAID 155.27
3-69 ACRES OF LAND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
3-70 FOLLOWS:

3-71 COMMENCING at a 1 1/2-inch iron pipe found in the southwest

4-1 Right-of-Way (ROW) line of Borchert Loop (County Road 108), being
 4-2 the east corner of a 2.000 acre tract of land in the J. George
 4-3 Survey, Abstract Number 118 in Caldwell County, Texas, described in
 4-4 a deed to Dennis R. & Shalaina T. Walker, recorded in Volume 433,
 4-5 Page 203, DRCCTC, and being the north corner of the remainder of
 4-6 said 177.5 acre Gamble tract;
 4-7 THENCE along the southeast line of said J. George Survey, Abstract
 4-8 Number 118, being also the southeast line of said 2.000 acre Walker
 4-9 tract; same being the northwest line of said M. Hunt Survey,
 4-10 Abstract Number 137 and the northwest line of said 177.5 acre Gamble
 4-11 tract, S59°45'36"W, a distance of 329.74 feet to an iron rod set with
 4-12 a cap marked "TMG" for the north corner and POINT of BEGINNING of
 4-13 the herein described tract of land;
 4-14 THENCE through the interior of said 177.5 acre Gamble tract, the
 4-15 following two (2) courses and distances:
 4-16 1) S32°37'51"E, a distance of 560.05 to an iron rod set with a cap
 4-17 marked "TMG" for an angle point, and
 4-18 2) N57°21'07"E, a distance of 320.50 feet to an iron rod set with a
 4-19 cap marked "TMG", being in the southwest ROW of Borchert Loop for an
 4-20 angle point;
 4-21 THENCE with the southwest ROW line of Borchert Loop, being the
 4-22 northeast line of this 155.27 acre tract, S31°41'23"E, a distance of
 4-23 90.01 feet to an iron rod set with a cap marked "TMG", for an angle
 4-24 point;
 4-25 THENCE continuing through the interior of said 177.5 acre Gamble
 4-26 tract, the following three (3) courses and distances:
 4-27 3) S57°21'07"W, a distance of 319.02 feet to an iron rod set with a
 4-28 cap marked "TMG" for an angle point,
 4-29 4) S32°37'51"E, a distance of 1817.85 feet to an iron rod set with a
 4-30 cap marked "TMG" for an angle point, and
 4-31 5) N57°23'55"E, a distance of 289.15 feet to an iron rod set with a
 4-32 cap marked "TMG", being in the southwest ROW of Borchert Loop for an
 4-33 angle point;
 4-34 THENCE with the southwest ROW line of Borchert Loop, being the
 4-35 northeast line of this 155.27 acre tract, S31°41'23"E, a distance of
 4-36 90.01 feet to an iron rod set with a cap marked "TMG", for an angle
 4-37 point;
 4-38 THENCE continuing through the interior of said 177.5 acre Gamble
 4-39 tract, the following four (4) courses and distances:
 4-40 6) S57°23'55"W, a distance of 287.68 feet to an iron rod set with a
 4-41 cap marked "TMG" for an angle point,
 4-42 7) S32°37'51"E, a distance of 678.17 feet to an iron rod set with a
 4-43 cap marked "TMG" for an angle point,
 4-44 8) S81°34'47"E, a distance of 52.54 feet to an iron rod set with a
 4-45 cap marked "TMG" for an angle point, and
 4-46 9) N49°28'18"E, a distance of 239.16 feet to an iron rod set with a
 4-47 cap marked "TMG", being in the southwest ROW of Borchert Loop for an
 4-48 angle point;
 4-49 THENCE with the southwest ROW line of Borchert Loop, being the
 4-50 northeast line of this 155.27 acre tract, S31°41'23"E, a distance of
 4-51 40.34 feet to a 60d nail found in the top of a wooden post being the
 4-52 north corner of a 99.0 acre tract of land in the J. H. Finch Survey,
 4-53 Abstract Number 108 in Caldwell County, Texas, described as Tract I
 4-54 in a deed to Edgar L. and wife, Dorothy June Vogel, recorded in
 4-55 Volume 8, Page 21, DRCCTC, and being the east corner of the
 4-56 remainder of said 177.5 acre Gamble tract and being the east corner
 4-57 of the herein described tract of land;
 4-58 THENCE with the northwest line of said 99.0 acre tract, being the
 4-59 southeast line of the remainder of said 177.5 acre Gamble tract,
 4-60 S49°28'18"W, a distance of 2216.10 feet to a 1 1/2-inch iron pipe
 4-61 found in the northwest line of said 99.0 acre tract, being the east
 4-62 corner of a 340.331 acre tract of land described in a deed to Nami
 4-63 Ranch, L.L.C. and recorded in Document Number 087087 of the
 4-64 Official Public Records of Real Property for Caldwell County, Texas
 4-65 (OPRRPCCTX), for the south corner of the remainder of said 177.5
 4-66 acre Gamble tract and being the south corner of the herein described
 4-67 tract of land;
 4-68 THENCE with the northeast line of said 340.331 acre tract, being the
 4-69 southwest line of the remainder of said 177.5 acre Gamble tract,
 4-70 N32°37'49"W, at 3520.81 feet passing a calculated point marking the
 4-71 north corner of said 340.331 acre tract and the southeast corner of

5-1 a 7.779 acre tract of land described in a deed to Belinda N. Garza
5-2 and recorded in Document Number 121466, OPRRPCCTX, from said point,
5-3 a 6" cedar fence corner post bears S57°22'11"W, 1.87 feet; and
5-4 continuing along the northeast line of said 7.779 acre tract, a
5-5 total distance of 3662.56 feet to a 1 1/2-inch iron pipe found in
5-6 the northeast line of said 7.779 acre tract, being along the
5-7 southeast line of the J. George Survey, Abstract Number 118, at the
5-8 south corner of a 5.052 acre tract of land described in a deed to
5-9 Woodmen of the World recorded in Volume 212, Page 545, DRCCTX, for
5-10 the west corner of the remainder of said 177.5 acre Gamble tract and
5-11 being the west corner of the herein described tract of land;
5-12 THENCE along the southeast line of said 5.052 acre tract, being the
5-13 northwest line of the remainder of said 177.5 acre Gamble tract,
5-14 N59°43'07"E, a distance of 356.48 feet to a
5-15 1/2-inch iron rod found for the east corner of said 5.052 acre
5-16 tract, being the south corner of a 5.583 acre tract of land
5-17 described in a deed to Raul & Christine Ybarra and recorded in
5-18 Volume 639, Page 893, DRCCTX, for an angle point in the northwest
5-19 line of the remainder of said 177.5 acre Gamble tract and being an
5-20 angle point in the northwest line of the herein described tract of
5-21 land;
5-22 THENCE continuing along the southeast line of said J. George
5-23 Survey, Abstract Number 118 and the northwest line of said 177.5
5-24 acre tract, N59°45'34"E, at a distance of 603.32 feet passing a
5-25 1/2-inch iron rod found for the east corner of said 5.583 acre
5-26 tract, being the south corner of a 5.162 acre tract of land
5-27 described in a deed to Pamala Francine Hunt and recorded in Volume
5-28 565, Page 474, DRCCTX; at a distance of 828.27 feet passing a
5-29 1/2-inch iron rod found for the east corner of said 5.162 acre
5-30 tract, being the south corner of 5.090 acre tract of land described
5-31 in a deed to Juan Carlos & Ramiro Ruvalcaba and recorded in Volume
5-32 306, Page 393, DRCCTX; at a distance of 1068.37 feet passing a
5-33 1/2-inch iron rod found for the east corner of said 5.090 acre
5-34 tract, being the south corner of a 5.028 acre tract of land
5-35 described in a deed to United Pentecostal Church and recorded in
5-36 Volume 484, Page 135, DRCCTX; at a distance of 1328.42 feet passing
5-37 a 1/2-inch iron rod found for the east corner of said 5.028 acre
5-38 tract, being the south corner of said 2.000 acre Walker tract; and,
5-39 in all, a total distance of 1564.29 feet to the PLACE of BEGINNING
5-40 and containing 155.27 acres of land, more or less.

Tract "B"

5-41
5-42 BEING 316.856 ACRES OF LAND LYING IN AND BEING SITUATED OUT OF
5-43 THE J.B. GRAY SURVEY, ABSTRACT 116 AND THE W. HOUSE SURVEY, ABSTRACT
5-44 15 IN CALDWELL COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN 283 ACRE
5-45 TRACT AND 31.3 ACRE TRACT OF LAND CONVEYED TO GLENVOIR FARM AS
5-46 SECOND TRACT AND THIRD TRACT BY DEED RECORDED IN VOLUME 403, PAGE
5-47 671 OFFICIAL RECORDS, CALDWELL COUNTY, TEXAS; SAID 316.856 ACRES
5-48 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED UNDER
5-49 THE SUPERVISION OF JAMES E. GARON & ASSOCIATES IN JUNE, 2016:
5-50 BEGINNING at a 2" steel fence found on the easterly line of Borchert
5-51 Loop for the southwest corner hereof and said 31.3 acre tract and
5-52 the northwest corner of that certain 59.289 acre tract of land
5-53 conveyed to Jay S. Cheek and Brenda A. Cheek by deed recorded in
5-54 Volume 243, Page 830 of said official records;
5-55 THENCE along Borchert Loop, N 31°43'40" W a distance of 831.80 feet
5-56 to a 60D nail found in old fence post for the northwest corner of
5-57 said 31.3 acre tract and a common corner with said 283 acre tract
5-58 and N 31°07'52" W a distance of 1783.62 feet to a railroad tie fence
5-59 corner post found for the northwest corner hereof and said 283 acre
5-60 tract and the southwest corner of that certain 136 acre tract of
5-61 land conveyed to William R. Clark by deed recorded in Document #
5-62 122818 of said official records;
5-63 THENCE N 58°48'35" E a distance of 3760.23 feet to a "T" post found
5-64 in rock mound for a northerly, northeast corner hereof and said 283
5-65 acre tract and the northwest corner of that certain 57.29 acre tract
5-66 of land conveyed to Lisa Kay Jolley King and as described by deed
5-67 recorded in Volume 130, Page 865 of said official records;
5-68 THENCE S 31°48'55" E a distance of 1102.81 feet to a "T" post found
5-69 in 2" iron pipe found in rock mound for an ell corner hereof and the
5-70 southeast corner of said King 57.29 acre tract;
5-71 THENCE N 59°08'24" E a distance of 2444.46 feet to a 12" fence corner

6-1 post found on the westerly line of that certain 17.18 acre tract of
6-2 land conveyed to Kenneth D. Willenberg by deed recorded in Document
6-3 #2015-001132 of said official records for an ell corner hereof and
6-4 the southeast corner of that certain 5.257 acre tract of land
6-5 conveyed to Jose A. Cardenas and Carmen Cardenas by deed recorded in
6-6 Volume 439, Page 372 of said official records;
6-7 THENCE S 32°00'32" E a distance of 654.53 feet to a 2" steel fence
6-8 corner post found on the approximate common line of the J.B. Gray
6-9 Survey and the W. House Survey for an ell corner hereof and the
6-10 southwest corner of said Willenberg 17.18 acre tract;
6-11 THENCE N 59°17'01" E a distance of 262.32 feet along said line to a
6-12 2" steel fence corner post found for an ell corner hereof and the
6-13 northwest corner of that certain 14.6 acre tract of land conveyed to
6-14 Kenneth D. Willenberg by deed recorded in Document #2015-001132 of
6-15 said official records;
6-16 THENCE S 30°57'43" E a distance of 849.75 feet to a 2" steel fence
6-17 corner post found on the northerly line of that certain 45.76 acre
6-18 tract of land conveyed to Stephen R. Knox and Bonnie Lee Knox by
6-19 deed recorded in Volume 184, Page 505 of said official records for
6-20 the southeast corner hereof and said 283 acre tract and the
6-21 southwest corner of said Willenberg 14.6 acre tract;
6-22 THENCE S 58°49'37" W a distance of 2282.66 feet to a cotton gin
6-23 spindle set at a 3/4" iron pipe found for the northwest corner of
6-24 said Knox 45.76 acre tract and the northeast corner of the aforesaid
6-25 Cheek 59.289 acre tract;
6-26 THENCE S 58°54'26" W a distance of 4196.34 feet to the POINT OF
6-27 BEGINNING, containing 316.856 acres of land, more or less.

6-28 SECTION 3. (a) The legal notice of the intention to
6-29 introduce this Act, setting forth the general substance of this
6-30 Act, has been published as provided by law, and the notice and a
6-31 copy of this Act have been furnished to all persons, agencies,
6-32 officials, or entities to which they are required to be furnished
6-33 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-34 Government Code.

6-35 (b) The governor, one of the required recipients, has
6-36 submitted the notice and Act to the Texas Commission on
6-37 Environmental Quality.

6-38 (c) The Texas Commission on Environmental Quality has filed
6-39 its recommendations relating to this Act with the governor, the
6-40 lieutenant governor, and the speaker of the house of
6-41 representatives within the required time.

6-42 (d) All requirements of the constitution and laws of this
6-43 state and the rules and procedures of the legislature with respect
6-44 to the notice, introduction, and passage of this Act are fulfilled
6-45 and accomplished.

6-46 SECTION 4. (a) If this Act does not receive a two-thirds
6-47 vote of all the members elected to each house, Subchapter C, Chapter
6-48 8053, Special District Local Laws Code, as added by Section 1 of
6-49 this Act, is amended by adding Section 8053.0306 to read as follows:
6-50 Sec. 8053.0306. NO EMINENT DOMAIN POWER. The district may
6-51 not exercise the power of eminent domain.

6-52 (b) This section is not intended to be an expression of a
6-53 legislative interpretation of the requirements of Section 17(c),
6-54 Article I, Texas Constitution.

6-55 SECTION 5. This Act takes effect immediately if it receives
6-56 a vote of two-thirds of all the members elected to each house, as
6-57 provided by Section 39, Article III, Texas Constitution. If this
6-58 Act does not receive the vote necessary for immediate effect, this
6-59 Act takes effect September 1, 2019.

6-60

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