

By: Bell of Montgomery

H.B. No. 3438

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Waller County Municipal Utility  
3 District No. 9A; granting a limited power of eminent domain;  
4 providing authority to issue bonds; providing authority to impose  
5 assessments, fees, and taxes.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 7902 to read as follows:

9 CHAPTER 7902. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 9A

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7902.0101. DEFINITIONS. In this chapter:

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

13 (2) "Commission" means the Texas Commission on  
14 Environmental Quality.

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

16 (4) "District" means the Waller County Municipal  
17 Utility District No. 9A.

18 Sec. 7902.0102. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 7902.0103. CONFIRMATION AND DIRECTOR ELECTION  
22 REQUIRED. The temporary directors shall hold an election to  
23 confirm the creation of the district and to elect five permanent  
24 directors as provided by Section 49.102, Water Code.

1       Sec. 7902.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 7902.0103 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. 7902.0105. 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. 7902.0106. 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. 7902.0201. GOVERNING BODY; TERMS. (a) The district is  
4 governed by a board of five elected directors.

5           (b) Except as provided by Section 7902.0202, directors  
6 serve staggered four-year terms.

7           Sec. 7902.0202. TEMPORARY DIRECTORS. (a) The temporary  
8 board consists of:

9                   (1) Sharon Wotyek;

10                   (2) Blake Allen;

11                   (3) Jud Martin;

12                   (4) Salman Qadir; and

13                   (5) Sawyer Blackburn.

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

15                   (1) the date permanent directors are elected under  
16 Section 7902.0103; 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 7902.0103 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 7902.0103; 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. 7902.0301. 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. 7902.0302. 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. 7902.0303. 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. 7902.0304. 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. 7902.0305. 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. 7902.0306. 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  
20 division of the district, and a new district has all the powers and  
21 duties of the district.

22       (c) A 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 7902.0103 to confirm the district's creation.

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 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) A new district created by the division of the district  
19 shall hold a confirmation and directors' election as required by  
20 Section 7902.0103.

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) A 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) Municipal consent to the creation of the district and to  
2 the inclusion of land in the district granted under Section  
3 7902.0104 acts as municipal consent to the creation of any new  
4 district created by the division of the district and to the  
5 inclusion of land in the new district.

6       Sec. 7902.0307. LIMITATION ON USE OF EMINENT DOMAIN. The  
7 district may not exercise the power of eminent domain outside the  
8 district to acquire a site or easement for:

9           (1) a road project authorized by Section 7902.0303; or

10          (2) a recreational facility as defined by Section  
11 49.462, Water Code.

12           SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

13       Sec. 7902.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
14 The district may issue, without an election, bonds and other  
15 obligations secured by:

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

17           (2) contract payments described by Section 7902.0403.

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

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

26       Sec. 7902.0402. OPERATION AND MAINTENANCE TAX. (a) If  
27 authorized at an election held under Section 7902.0401, the

1 district may impose an operation and maintenance tax on taxable  
2 property in the district in accordance with Section 49.107, Water  
3 Code.

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

6 Sec. 7902.0403. CONTRACT TAXES. (a) In accordance with  
7 Section 49.108, Water Code, the district may impose a tax other than  
8 an operation and maintenance tax and use the revenue derived from  
9 the tax to make payments under a contract after the provisions of  
10 the contract have been approved by a majority of the district voters  
11 voting at an election held for that purpose.

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

15 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

16 Sec. 7902.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
17 OBLIGATIONS. The district may issue bonds or other obligations  
18 payable wholly or partly from ad valorem taxes, impact fees,  
19 revenue, contract payments, grants, or other district money, or any  
20 combination of those sources, to pay for any authorized district  
21 purpose.

22 Sec. 7902.0502. TAXES FOR BONDS. At the time the district  
23 issues bonds payable wholly or partly from ad valorem taxes, the  
24 board shall provide for the annual imposition of a continuing  
25 direct ad valorem tax, without limit as to rate or amount, while all  
26 or part of the bonds are outstanding as required and in the manner  
27 provided by Sections 54.601 and 54.602, Water Code.



1       Sec. 7902.0503. BONDS FOR ROAD PROJECTS. At the time of  
2 issuance, the total principal amount of bonds or other obligations  
3 issued or incurred to finance road projects and payable from ad  
4 valorem taxes may not exceed one-fourth of the assessed value of the  
5 real property in the district.

6       SECTION 2. Waller County Municipal Utility District No. 9A  
7 initially includes all the territory contained in the following  
8 area:

9 A 602.8 acre tract of land out of the remainder of a called 562.636  
10 acre tract of land as conveyed to KATY 884 PARTNERS, LTD, a Texas  
11 limited partnership, as recorded in Volume 1077, Page 592 of the  
12 Official Public Records of Waller County, Texas (WCOPR), all of a  
13 called 106.590 acre tract of land conveyed to Katy Partners, Ltd. as  
14 recorded in Volume 1077, Page 685 Deed Records of Waller County,  
15 Texas (WCDR), all of a called 107.332 acre tract of land conveyed to  
16 Katy Partners, Ltd. as recorded in Volume 1077, Page 675 (WCDR) and  
17 all of a called 107.257 acre tract of land conveyed to Katy 884  
18 Partners, Ltd. as recorded in Volume 1077, Page 608 (WCDR) being out  
19 of the H. & T.C. Railroad Company Survey, Section 114 and the Fred  
20 Eule Survey, Abstract 374, Waller County, Texas, SAVE AND EXCEPT  
21 281.000 acre tract of land conveyed to LGI Homes-Texas, LLC, as  
22 recorded in Clerk's File No. 201607707 in the Official Public  
23 Records of Waller County, Texas (WCOPR). Said 602.8 acre tract  
24 being more fully described as follows, all bearings are based on the  
25 Texas Coordinate System, South Central Zone (4204), NAD-83  
26 (NA2011), epoch 2010.00;

27 BEGINNING: at a point for the southwest corner of said 562.636 acre

1 tract, the northwest corner of a called 0.9738 acre tract as  
2 recorded in Volume 686, Page 15 (WCDR), lying in the east  
3 right-of-way line of F.M. 2855 (100 feet wide), in the south line of  
4 said Fred Eule Survey, Sect. 114, A-374 and the north line of said  
5 and the H.&T.C. R.R. Co. Survey Sect. 111, A- 172, also being the  
6 most westerly southwest corner of the herein described tract and  
7 lying in the apparent centerline of Beckendorf Road (unimproved);  
8 THENCE: Along and with the east right-of-way line of said F.M. 2855  
9 and the west line of said 562.636 acre tract the following courses  
10 and distances  
11 N 02°05'14" W, 1507.94 feet to a point for a corner of the herein  
12 described tract,  
13 N 01°14'00" W, 331.24 feet to a point for a corner of the herein  
14 described tract,  
15 N 00°21'18" W, 213.88 feet to a point for a corner of the herein  
16 described tract,  
17 N 00°41'06" W, 348.01 feet to a point for a corner of the herein  
18 described tract,  
19 N 02°19'58" W, 251.32 feet to a point for a corner of the herein  
20 described tract,  
21 N 02°49'49" W, 451.99 feet to a point for a corner of the herein  
22 described. tract,  
23 N 04°12'15" W, 104.06 feet to a point for a corner of the herein  
24 described tract,  
25 N 03°27'47" W, 447.87 feet to a point for a corner of the herein  
26 described tract, and  
27 N 02°05'26" W, 384.85 feet to a point for the southwest corner of a

1 called 8.603 acre tract as recorded in Volume 1297, Page 036  
2 (WCDR).;

3 THENCE: N 87°41'05" E, 436.33 feet with the south line of said 8.603  
4 acre tract to a point for the southeast corner of said 8.603 acre  
5 tract and an interior corner of said 562.636 acre tract;

6 THENCE: N 01°58'03" W, 1177.95 feet with the east line of said 8.603  
7 acre tract and the east line of a called 3.173 acre tract as  
8 recorded in Volume 432, Page 449 (WCDR) to a point for the northeast  
9 corner of said 11.76 acre tract and the common most northwesterly  
10 corner of said 562.636 and the herein described tract, also lying in  
11 the south right-of-way line of F.M. 529 (120 feet wide);

12 THENCE: N 87°58'20" E, 469.07 feet with the north line of said  
13 562.636 acre tract and the south right-of-way line of said F.M. 529  
14 to a point for the northwest corner of a called 20.000 acre tract as  
15 recorded in Volume 1376, Page 621 (WCDR);

16 THENCE: S 02°00'04" E, 1181.11 feet with the west line of said  
17 20.000 acre tract to a point for the southwest corner of said 20.000  
18 acre tract and an interior corner of the herein described tract;

19 THENCE: N 88°00'32" E, 1922.94 feet with the south line of said  
20 20.000 acre tract, a called 7.408 acre tract as recorded in Volume  
21 1289, Page 482 (WCDR), a called 13.695 acre tract as recorded in  
22 Volume 1339, Page 144 (WCDR) and a second called 13.695 acre tract  
23 as recorded in Volume 1175, Page 621 (WCDR) to a point for the  
24 southeast corner of the second mentioned 13.695 acre tract and an  
25 interior corner of the herein described tract;

26 THENCE: N 02°00'04" W, 1181.11 feet with the east line of the second  
27 mentioned 13.695 acre tract to a point for the northeast corner of

1 the second mentioned 13.695 acre tract and lying in the south  
2 right-of-way line of said F.M. 529;

3 THENCE: N 88°02'40" E, 644.29 feet with the north line of said  
4 562.636 acre tract and the south right-of-way line of said F.M. 529  
5 to a point for the northeast corner of said 281.000 acre tract the  
6 herein described tract;

7 THENCE: Departing the north line of said 562.636 acre tract,  
8 continuing over and across said 562.636 acre tract and with the west  
9 line of said 281.000 acre tract the following courses and  
10 distances:

11 S 02°19'51" E, a distance of 1099.87 feet to a point for a corner of  
12 the herein described tract,

13 S 67°22'45" W, a distance of 1167.03 feet to a point for a corner of  
14 the herein described tract,

15 S 25°17'57" W, a distance of 161.34 feet to a point for a corner of  
16 the herein described tract,

17 Southeasterly, along a non-tangent curve to the left, having a  
18 radial bearing of N 75°26'06" E, a radius of 1273.29 feet, a central  
19 angle of 38°29'17", a chord bearing and distance of S 33°48'33" E,  
20 839.33 feet, for an arc length of 855.32 feet to a point for a corner  
21 of the herein described tract,

22 S 85°46'10" E, a distance of 209.23 feet to a point for a corner of  
23 the herein described tract,

24 Southwesterly, along a non-tangent curve to the right, having a  
25 radial bearing of S 02°25'32" W, a radius of 1866.67 feet, a central  
26 angle of 12°00'46", a chord bearing and distance of S 81°34'05" E,  
27 390.65 feet, for an arc length of 391.37 feet to a point for a corner

1 of the herein described tract,  
2 Southeasterly, along a non-tangent curve to the right, having a  
3 radial bearing of S 09°26'17" W, a radius of 171.22 feet, a central  
4 angle of 81°46'47", a chord bearing and distance of S 39°40'20" E,  
5 224.16 feet, for an arc length of 244.38 feet to a point for a corner  
6 of the herein described tract,  
7 Southwesterly, along a non-tangent curve to the right, having a  
8 radial bearing of N 71°06'56" W, a radius of 1248.15 feet, a central  
9 angle of 08°16'54", a chord bearing and distance of S 23°01'31" W,  
10 180.25 feet, for an arc length of 180.41 feet to a point for a corner  
11 of the herein described tract,  
12 S 27°41'57" W, a distance of 18.52 feet to a point for a corner of the  
13 herein described tract,  
14 N 74°41'04" W, a distance of 178.23 feet to a point for a corner of  
15 the herein described tract,  
16 Southwesterly, along a non-tangent curve to the left, having a  
17 radial bearing of S 02°44'14" W, a radius of 475.36 feet, a central  
18 angle of 87°28'46", a chord bearing and distance of S 48°59'51" W,  
19 657.32 feet, for an arc length of 725.79 feet to a point for a corner  
20 of the herein described tract,  
21 S 09°42'55" E, a distance of 127.14 feet to a point for a corner of  
22 the herein described tract,  
23 S 27°06'38" E, a distance of 103.76 feet to a point for a corner of  
24 the herein described tract,  
25 S 27°06'38" E, a distance of 294.99 feet to a point for a corner of  
26 the herein described tract,  
27 Southwesterly, along a non-tangent curve to the left, having a

1 radial bearing of S 25°17'37" E, a radius of 180.90 feet, a central  
2 angle of 50°20'55", a chord bearing and distance of S 39°31'56" W,  
3 153.90 feet, for an arc length of 158.97 feet to a point for a corner  
4 of the herein described tract,

5 Southwesterly, along a non-tangent curve to the right, having a  
6 radial bearing of N 88°45'38" W, a radius of 987.16 feet, a central  
7 angle of 43°57'41", a chord bearing and distance of S 23°13'12" W,  
8 738.98 feet, for an arc length of 757.42 feet to a point for a corner  
9 of the herein described tract,

10 Southeasterly, along a non-tangent curve to the left, having a  
11 radial bearing of S 48°49'56" E, a radius of 279.11 feet, a central  
12 angle of 65°31'49", a chord bearing and distance of S 08°24'09" W,  
13 302.11 feet, for an arc length of 319.22 feet to a point for a corner  
14 of the herein described tract,

15 Southeasterly, along a non-tangent curve to the right, having a  
16 radial bearing of S 41°43'04" W, a radius of 853.94 feet, a central  
17 angle of 36°36'07", a chord bearing and distance of S 29°58'53" E,  
18 536.29 feet, for an arc length of 545.52 feet to a point in the south  
19 line of said 562.636 acre tract, the southwest corner of said  
20 281.000 acre tract, and being in the apparent centerline of  
21 Beckendorf road;

22 THENCE: N 88°04'32" E, along and with the south line of said 281.000  
23 acre tract, the apparent centerline of said Beckendorf Road, also  
24 being the north line of a aforementioned 106.590 acre tract,  
25 107.332 acre tract, and 107.257 acre tract, a distance of 2562.57  
26 feet to the southeast corner of said 281.00 acre tract, the north  
27 east corner of said 107.332 acre tract, the southwest corner of a

1 called 160 acre tract recorded in Volume 995, Page 461 (WCDR), and  
2 being the northwest corner of a called 15.022 acre tract recorded in  
3 Clerk's File No. 903180 (WCOPR);

4 THENCE: S 02°04'54" E, 5271.15 feet with the common east line of  
5 said 107.257 acre tract and said H.&T.C. R.R. Co. Survey, Sect. 111,  
6 A-172, the west line of said Fred Eule Survey, Section 120, Abstract  
7 No. 375 to a point for the southwest corner of a called 53.83 acre  
8 tract as recorded in Volume 474, Page 314 W.C.D.R., lying in the  
9 south line of said Fred Eule Survey, Sect. 120, A-375, lying in the  
10 common north line of the H.&T.C. R.R. Co. Survey, Sect. 121, A-201  
11 and a called 281.50 acre tract as recorded in Volume 420, Page 766  
12 W.C.D.R., also being the common southeast corner of said H.&T.C.  
13 R.R. Co. Survey, Sect. 111, A-172 and the herein described tract;

14 THENCE: S 87°53'18" W, 2655.75 feet with the south line of said  
15 H.&T.C. R.R. Co. Survey, Sect. 111, A-172, said 107.257 acre tract,  
16 said 107.332 acre tract, said 106.590 acre tract, the north line of  
17 said H.&T.C. R.R. Co. Survey, Sec. 121, A-201 and the Fred Eule  
18 Survey, Sect. 112, A-373 to a point for the southeast corner of a  
19 called 5.0 acre tract as recorded in Volume 1207, Page 7777 (WCDR),  
20 the southwest corner of said 106.590 acre tract and the most  
21 southerly southwest corner of the herein described tract;

22 THENCE: N 02°00'01" W, 5279.82 feet with the west line of said  
23 106.590 acre tract to a point for the northeast corner of a called  
24 15 acre tract as recorded in Clerk's File No. 1700296 (WCOPR), the  
25 northwest corner of said 106.590 acre tract and lying in the north  
26 line of said H.&T.C. R.R. Co. Survey, Sec. 111, A-172 and the common  
27 south line of said Fred Eule Survey, Sect. 114, A- 374 and said

1 562.636 acre tract also being the apparent centerline of said  
2 Beckendorf Road;

3 THENCE: S 87°59'11" W, 2591.53 feet with the common south line of  
4 said Fred Eule Survey, Sect. 114, A-374 and said 562.636 acre tract,  
5 the north line of said H.&T.C. R.R. Co. Survey, Sect. 111, A- 172  
6 and the apparent centerline of said Beckendorf Road to the POINT OF  
7 BEGINNING and containing 602.8 acres in Waller County, Texas.

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

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

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

22 (d) All requirements of the constitution and laws of this  
23 state and the rules and procedures of the legislature with respect  
24 to the notice, introduction, and passage of this Act are fulfilled  
25 and accomplished.

26 SECTION 4. (a) Section 7902.0307, Special District Local  
27 Laws Code, as added by Section 1 of this Act, takes effect only if



1 this Act receives a two-thirds vote of all the members elected to  
2 each house.

3 (b) If this Act does not receive a two-thirds vote of all the  
4 members elected to each house, Subchapter C, Chapter 7902, Special  
5 District Local Laws Code, as added by Section 1 of this Act, is  
6 amended by adding Section 7902.0307 to read as follows:

7 Sec. 7902.0307. NO EMINENT DOMAIN POWER. The district may  
8 not exercise the power of eminent domain.

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

12 SECTION 5. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2021.