

By: Toth

H.B. No. 4651

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 203; 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 7917A to read as follows:

CHAPTER 7917A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

NO. 203

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7917A.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Oak Ridge North.

(3) "Commission" means the Texas Commission on Environmental Quality.

(4) "Director" means a board member.

(5) "District" means the Montgomery County Municipal Utility District No. 203.

Sec. 7917A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7917A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to

1 confirm the creation of the district and to elect five permanent  
2 directors as provided by Section 49.102, Water Code.

3 Sec. 7917A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
4 temporary directors may not hold an election under Section  
5 7917A.0103 until each municipality in whose corporate limits or  
6 extraterritorial jurisdiction the district is located has  
7 consented by ordinance or resolution to the creation of the  
8 district and to the inclusion of land in the district.

9 Sec. 7917A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

10 (a) The district is created to serve a public purpose and benefit.

11 (b) The district is created to accomplish the purposes of:

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

14 (2) Section 52, Article III, Texas Constitution, that  
15 relate to the construction, acquisition, improvement, operation,  
16 or maintenance of macadamized, graveled, or paved roads, or  
17 improvements, including storm drainage, in aid of those roads.

18 Sec. 7917A.0106. INITIAL DISTRICT TERRITORY. (a) The  
19 district is initially composed of the territory described by  
20 Section 2 of the Act enacting this chapter.

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

25 (1) organization, existence, or validity;

26 (2) right to issue any type of bond for the purposes  
27 for which the district is created or to pay the principal of and

1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 7917A.0201. GOVERNING BODY; TERMS. (a) The district  
6 is governed by a board of five elected directors.

7 (b) Except as provided by Section 7917A.0202, directors  
8 serve staggered four-year terms.

9 Sec. 7917A.0202. TEMPORARY DIRECTORS. (a) On or after the  
10 effective date of the Act enacting this chapter, the owner or owners  
11 of a majority of the assessed value of the real property in the  
12 district may submit a petition to the commission requesting that  
13 the commission appoint as temporary directors the five persons  
14 named in the petition. The commission shall appoint as temporary  
15 directors the five persons named in the petition.

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

17 (1) the date permanent directors are elected under  
18 Section 7917A.0103; or

19 (2) the fourth anniversary of the effective date of  
20 the Act enacting this chapter.

21 (c) If permanent directors have not been elected under  
22 Section 7917A.0103 and the terms of the temporary directors have  
23 expired, successor temporary directors shall be appointed or  
24 reappointed as provided by Subsection (d) to serve terms that  
25 expire on the earlier of:

26 (1) the date permanent directors are elected under  
27 Section 7917A.0103; or

1           (2) the fourth anniversary of the date of the  
2 appointment or reappointment.

3           (d) If Subsection (c) applies, the owner or owners of a  
4 majority of the assessed value of the real property in the district  
5 may submit a petition to the commission requesting that the  
6 commission appoint as successor temporary directors the five  
7 persons named in the petition. The commission shall appoint as  
8 successor temporary directors the five persons named in the  
9 petition.

10                           SUBCHAPTER C. POWERS AND DUTIES

11           Sec. 7917A.0301. GENERAL POWERS AND DUTIES. The district  
12 has the powers and duties necessary to accomplish the purposes for  
13 which the district is created.

14           Sec. 7917A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
15 DUTIES. The district has the powers and duties provided by the  
16 general law of this state, including Chapters 49 and 54, Water Code,  
17 applicable to municipal utility districts created under Section 59,  
18 Article XVI, Texas Constitution.

19           Sec. 7917A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
20 Section 52, Article III, Texas Constitution, the district may  
21 design, acquire, construct, finance, issue bonds for, improve,  
22 operate, maintain, and convey to this state, a county, or a  
23 municipality for operation and maintenance macadamized, graveled,  
24 or paved roads, or improvements, including storm drainage, in aid  
25 of those roads.

26           Sec. 7917A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
27 road project must meet all applicable construction standards,

1 zoning and subdivision requirements, and regulations of each  
2 municipality in whose corporate limits or extraterritorial  
3 jurisdiction the road project is located.

4 (b) If a road project is not located in the corporate limits  
5 or extraterritorial jurisdiction of a municipality, the road  
6 project must meet all applicable construction standards,  
7 subdivision requirements, and regulations of each county in which  
8 the road project is located.

9 (c) If the state will maintain and operate the road, the  
10 Texas Transportation Commission must approve the plans and  
11 specifications of the road project.

12 Sec. 7917A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
13 ORDINANCE OR RESOLUTION. The district shall comply with all  
14 applicable requirements of any ordinance or resolution that is  
15 adopted under Section 54.016 or 54.0165, Water Code, and that  
16 consents to the creation of the district or to the inclusion of land  
17 in the district.

18 Sec. 7917A.0306. EFFECT OF ANNEXATION. Notwithstanding any  
19 other law, if all or any part of the territory of the district is  
20 annexed by the city into the city's corporate limits, the district  
21 retains all of the district's outstanding debt and obligations and  
22 is not dissolved.

23 Sec. 7917A.0307. DIVISION OF DISTRICT. (a) The district  
24 may be divided into two or more new districts only if the district:

25 (1) has no outstanding bonded debt; and

26 (2) is not imposing ad valorem taxes.

27 (b) This chapter applies to any new district created by the

1 division of the district, and a new district has all the powers and  
2 duties of the district.

3 (c) A new district created by the division of the district  
4 may not, at the time the new district is created, contain any land  
5 outside the area described by Section 2 of the Act enacting this  
6 chapter.

7 (d) The board, on its own motion or on receipt of a petition  
8 signed by the owner or owners of a majority of the assessed value of  
9 the real property in the district, may adopt an order dividing the  
10 district.

11 (e) The board may adopt an order dividing the district  
12 before or after the date the board holds an election under Section  
13 7917A.0103 to confirm the district's creation.

14 (f) An order dividing the district shall:

15 (1) name each new district;

16 (2) include the metes and bounds description of the  
17 territory of each new district;

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

19 and

20 (4) provide for the division of assets and liabilities  
21 between the new districts.

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

26 (h) A new district created by the division of the district  
27 shall hold a confirmation and directors' election as required by

1 Section 7917A.0103. If the voters of a new district do not confirm  
2 the creation of the new district, the assets, obligations,  
3 territory, and governance of the new district revert to the  
4 original district.

5 (i) If the creation of the new district is confirmed, the  
6 new district shall provide the election date and results to the  
7 commission.

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

12 (k) Municipal consent to the creation of the district and to  
13 the inclusion of land in the district granted under Section  
14 7917A.0104 acts as municipal consent to the creation of any new  
15 district created by the division of the district and to the  
16 inclusion of land in the new district.

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 7917A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
19 The district may issue, without an election, bonds and other  
20 obligations secured by:

21 (1) revenue other than ad valorem taxes; or  
22 (2) contract payments described by Section  
23 7917A.0403.

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

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

5       Sec. 7917A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
6 authorized at an election held under Section 7917A.0401, the  
7 district may impose an operation and maintenance tax on taxable  
8 property in the district in accordance with Section 49.107, Water  
9 Code.

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

12       Sec. 7917A.0403. CONTRACT TAXES. (a) In accordance with  
13 Section 49.108, Water Code, the district may impose a tax other than  
14 an operation and maintenance tax and use the revenue derived from  
15 the tax to make payments under a contract after the provisions of  
16 the contract have been approved by a majority of the district voters  
17 voting at an election held for that purpose.

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

21               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

22       Sec. 7917A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
23 OBLIGATIONS. The district may issue bonds or other obligations  
24 payable wholly or partly from ad valorem taxes, impact fees,  
25 revenue, contract payments, grants, or other district money, or any  
26 combination of those sources, to pay for any authorized district  
27 purpose.



1       Sec. 7917A.0502. TAXES FOR BONDS. At the time the district  
2 issues bonds payable wholly or partly from ad valorem taxes, the  
3 board shall provide for the annual imposition of a continuing  
4 direct ad valorem tax, without limit as to rate or amount, while all  
5 or part of the bonds are outstanding as required and in the manner  
6 provided by Sections 54.601 and 54.602, Water Code.

7       Sec. 7917A.0503. BONDS FOR ROAD PROJECTS. At the time of  
8 issuance, the total principal amount of bonds or other obligations  
9 issued or incurred to finance road projects and payable from ad  
10 valorem taxes may not exceed one-fourth of the assessed value of the  
11 real property in the district.

12       SECTION 2. The Montgomery County Municipal Utility District  
13 No. 203 initially includes all the territory contained in the  
14 following area:

15       Being 46.673 acres (2,033,071 square feet) of land situated  
16 in the Montgomery County School Land Survey, A-350, Montgomery  
17 County, Texas and being all of a called 29.201 acre tract conveyed  
18 to Bali Real Estate, LLC, by Warranty Deed recorded under Clerk's  
19 File No. 2019110268 of the Official Public Records of Montgomery  
20 County, Texas (O.P.R. M.C.T.), and all of the called 18.2958 acre  
21 tract conveyed to Bali Real Estate, LLC, by Warranty Deed recorded  
22 under Clerk's File No. 2019078899 O.P.R. M.C.T., said 46.673 acres  
23 being more particularly described by metes and bounds as follows:

24       BEGINNING at a 1/2 inch iron pipe found in the west line of  
25 Lot 14B, Block 2, of Chateau Woods, Section Six, according to the  
26 Plat of same, recorded in Volume 7, Page 275, of the Map Records of  
27 Montgomery County, Texas (M.R. M.C.T.), for the southeast corner of

1 Chateau Woods, according to the Plat of same, recorded in Cabinet Z,  
2 Sheet 536 M.R. M.C.T., and the northeast corner of said 18.2958 acre  
3 tract;

4 THENCE South 04°24'53" East, with the west line of said  
5 Section Six, a distance of 329.67 feet to a 5/8 inch iron rod with  
6 cap marked "Landpoint 10194172" set for the southwest corner of Lot  
7 15C, of said Section Six, and an interior corner of the herein  
8 described tract;

9 THENCE North 85°44'01" East, with the south line of said Lot  
10 15C, a distance of 155.60 feet to a 5/8 inch iron rod found in the  
11 west right of way (R.O.W.) line of Fairview Drive (60 foot wide  
12 R.O.W.) for the southeast corner of said Lot 15C, and an easterly  
13 northeast corner of the herein described tract;

14 THENCE South 03°49'04" East, with said west right of way line,  
15 a distance of 70.00 feet to a 5/8 inch iron rod with cap marked  
16 "Landpoint 10194172" set for the northeast corner of Lot 16B, of  
17 said Section Six and an easterly southeast corner of the herein  
18 described tract;

19 THENCE South 85°44'01" West, with the north line of said Lot  
20 16B, a distance of 154.87 feet to a 5/8 inch iron rod with cap marked  
21 "Landpoint 10194172" set in the east line of the called 1.902 acre  
22 tract conveyed to Dennis E. Roach and Yvonne Roach by Warranty Deed  
23 recorded under Clerk's File No. 936940 O.P.R. M.C.T., for an  
24 interior southwest corner of the herein described tract;

25 THENCE North 04°24'49" West, with the east line of said 1.902  
26 acre tract, a distance of 5.75 feet to a 5/8 inch iron rod found for  
27 the northeast corner of said 1.902 acre tract, and an interior

1 corner of the herein described tract;

2           THENCE South 84°35'28" West, with the easterly north line of  
3 said 1.902 acre tract, a distance of 167.56 feet to a 5/8 inch iron  
4 rod found for the northerly northwest corner of said 1.902 acre  
5 tract, and an interior corner of the herein described tract;

6           THENCE South 00°23'18" East, with a northerly west line of  
7 said 1.902 acre tract a distance of 127.62 feet to a 5/8 inch iron  
8 rod found for an interior corner of said 1.902 acre tract;

9           THENCE South 89°36'42" West, with the westerly north line of  
10 said 1.902 acre tract, a distance of 114.45 feet to a 5/8 inch iron  
11 rod found for the westerly northwest corner of said 1.902 acre tract  
12 and an interior corner of the herein described tract;

13           THENCE South 02°14'20" East, with the west line of said 1.902  
14 acre tract, a distance of 122.73 feet to a 1/2 inch iron rod found  
15 for the southwest corner of said 1.902 acre tract;

16           THENCE North 84°40'17" East, with the south line of said 1.902  
17 acre tract, a distance of 295.36 feet to a 5/8 inch iron rod with cap  
18 marked "Landpoint 10194172" set in the west line of Lot 17B, of said  
19 Section Six, for a northeast corner of the herein described tract;

20           THENCE South 04°25'53" East, with the west line of said  
21 Section Six, a distance of 254.24 feet to a 5/8 inch iron rod with  
22 cap marked "Landpoint 10194172" set for the southwest corner of Lot  
23 18B of said Section Six, and an interior corner of the herein  
24 described tract;

25           THENCE North 85°44'23" East, with the south line of said Lot  
26 18B, a distance of 149.71 feet to a 5/8 inch iron rod found in the  
27 west right of way line of said Fairview Drive for the southeast

1 corner of said Lot 18B, and a northeast corner of the herein  
2 described;

3           THENCE South 03°49'03" East, with said west right of way line,  
4 a distance of 70.00 feet to a 1/2 iron rod found for the northeast  
5 corner of Lot 19A, of said Section Six, and an easterly southeast  
6 corner of the herein described tract;

7           THENCE South 85°44'23" West, with the north line of said Lot  
8 19A a distance of 148.96 feet to a 5/8 inch iron rod with cap marked  
9 "Landpoint 10194172" set for the northwest corner of said Lot 19A  
10 and an interior corner of the herein described tract;

11           THENCE South 04°25'53" East, with the west line of said  
12 Section Six, a distance of 600.26 feet to a 5/8 inch iron rod with  
13 cap marked "Landpoint 10194172" set for the northeast corner of the  
14 called 0.2784 acre Tract 4 conveyed to William Dana Fulton, by  
15 Warranty Deed recorded under Clerk's File No. 2007-143377 O.P.R.  
16 M.C.T., for the southeast corner said 29.201 acre tract and the  
17 herein described tract, from which a found 1/2 inch iron rod bears  
18 North 87°05'51" East, a distance of 1.60 feet;

19           THENCE South 87°05'51" West, with the south line of said  
20 29.201 acre tract, a distance of 2110.00 feet to a 5/8 inch iron rod  
21 with cap marked "Landpoint 10194172" set for the northwest corner  
22 of the remainder of a called 19.6 acre tract conveyed to Juanita Ann  
23 Stedman Crisp by Warranty Deed recorded in Volume 994, Page 33 of  
24 the Deed Records of Montgomery County, Texas (D.R. M.C.T.), and an  
25 interior corner of the herein described tract, from which a found 2  
26 inch iron rod bears North 39°42'57" West, a distance of 0.89 feet;

27           THENCE North 02°54'09" West, a distance of 34.49 feet to a

1 point for an interior corner of the herein described tract;

2           THENCE South 86°54'05" West, a distance of 15.07 feet to a 1/2  
3 inch iron rod found for the southeast corner of said 3.00 acre tract  
4 and a southwest corner of the herein described tract;

5           THENCE North 04°24'02" West, with the east line of said 3.00  
6 acre tract, a distance of 105.68 feet to a 5/8 inch iron rod found  
7 for the southwest corner of the called 2.0 acre tract conveyed to  
8 Julio E. Ortiz and Edgar S. Ortiz by Warranty Deed recorded under  
9 Clerk's File No. 2010102118 O.P.R. M.C.T. and the most westerly  
10 northwest corner of the herein described 1.705 acre tract conveyed  
11 to tract;

12           THENCE North 87°05'51" East, with the south line of said 2.0  
13 acre tract, a distance of 152.29 feet to a 5/8 inch iron rod found  
14 for the southeast corner of said 2.0 acre tract and an interior  
15 corner of the herein described tract ;

16           THENCE North 02°59'46" West, with the east line of said 2.0  
17 acre tract, a distance of 286.50 feet to a 5/8 inch iron rod found  
18 for the southwest corner of the called 1.705 acre tract conveyed to  
19 Julio E. Ortiz and Edgar S. Ortiz by Warranty Deed recorded under  
20 Clerk's File No. 2010102117 O.P.R. .M.C.T., and a northwest corner  
21 of the herein described tract;

22           THENCE North 87°05'51" East, with the south line of said 1.705  
23 acre tract, a distance of 458.27 feet to a 5/8 inch iron rod with cap  
24 marked "Landpoint 10194172" set for the southeast corner of said  
25 1.705 acre tract and an interior corner of the herein described  
26 tract;

27           THENCE North 03°54'02" West, with the east line of said 1.705

1 acre tract, a distance of 165.76 feet to a 5/8 inch iron rod found  
2 for the northeast corner of same, and a northwest corner of the  
3 herein described tract;

4       THENCE North 86°10'26" East, at 40.03 feet passing a 5/8 inch  
5 iron rod found for the southwest corner of a called 0.61 acre tract  
6 of land (Tract 10), recorded under Volume 814, Page 553 of the  
7 O.P.R. M.C.T., and continuing for a total distance of 279.28 feet to  
8 a 5/8 inch iron rod found for the southeast corner of said 0.61 acre  
9 tract and an interior corner of the herein described tract;

10       THENCE North 03°49'30" West, with the west lines of said 0.61  
11 acre Tract 10, the called 0.61 acre tract conveyed to Reina Fuentes  
12 by Warranty Deed recorded under Clerk's File No. 2009049510  
13 O.P.R.M.C.T., and the called 0.61 acre tract conveyed to Jonathan  
14 R. Farkasofsky, by Warranty Deed recorded under Clerk's File  
15 No. 2009041278 O.P.R. M.C.T., a distance of 337.20 feet to a 5/8  
16 inch iron rod found in the south right of way line of Springwood  
17 Drive (60 foot wide private R.O.W.), for a northwest corner of the  
18 herein described tract;

19       THENCE North 86°10'33" East, with the south line of said  
20 Springwood Drive, a distance of 473.19 feet to a 5/8 inch iron rod  
21 with cap marked "Landpoint 10194172" set for an interior corner of  
22 the herein described tract;

23       THENCE North 03°49'30" West, with the east right of way line  
24 of said Springwood Drive, a distance of 59.97 feet to a 5/8 inch  
25 iron rod found in the south line of the called 0.6017 acre tract  
26 conveyed to Luis Martinez and Liana I. Martinez by Warranty Deed  
27 recorded under Clerk's File No. 2012038147 O.P.R. M.C.T., for a

1 northwest corner of the herein described tract;

2           THENCE North 86°09'32" East, with the south line of said  
3 0.6017 acre tract, a distance of 25.90 feet to a 5/8 inch iron rod  
4 found for the southeast corner of said 0.6017 acre tract and an  
5 interior corner of the herein described tract;

6           THENCE North 03°49'30" West, with the east line of said 0.6017  
7 acre tract, a distance of 250.02 feet to a 5/8 inch iron rod with cap  
8 marked "Landpoint 10194172" set for the northeast corner of said  
9 0.6017 acre tract and an interior corner of the herein described  
10 tract, from which a found 5/8 inch iron rod bears South 80°23'42"  
11 West, a distance of 1.39 feet;

12           THENCE South 86°10'34" West, with the north lines of said  
13 0.6017 acre tract, the called 0.61 acre tract conveyed to Rigoberto  
14 Ruiz and Beatriz Ruiz, by Warranty Deed recorded under Clerk's File  
15 No. 2010015437 O.P.R. M.C.T., and the called 0.61 acre tract  
16 conveyed to Luis Martinez and Liana I. Martinez, by Warranty Deed  
17 recorded under Clerk's File No. 2012038147 O.P.R. M.C.T. a distance  
18 of 314.69 feet to a 5/8 inch iron rod found in the east line of the  
19 called 7.3167 acre tract conveyed to James H. Giammatteo by  
20 Warranty Deed recorded under Clerk's File No. 2001008111 O.P.R.  
21 M.C.T., for the northwest corner of said 0.61 acre Martinez tract,  
22 and a southwest corner of the herein described tract;

23           THENCE North 03°49'30" West, with the east line of said 7.3167  
24 acre tract, a distance of 196.49 feet to a 1 inch iron pipe found in  
25 the south line of the called 1.580 acre tract conveyed to James H.  
26 Giammatteo, Jr., by Warranty Deed recorded under Clerk's File  
27 No. 2008037058 O.P.R. M.C.T. for the northeast corner of said

1 called 7.3167 acre tract and a northwest corner of the herein  
2 described tract;

3       THENCE North 86°09'41" East, with the south line of said 1.580  
4 acre tract, a distance of 30.70 feet to a 5/8 inch iron rod found for  
5 the southeast corner of said 1.580 acre tract and an interior corner  
6 of the herein described tract;

7       THENCE North 03°49'30" West, with the east line of said 1.580  
8 acre tract, a distance of 97.99 feet to a 1/2 inch iron pipe found in  
9 the south line of Block 1 of said Chateau Woods, for the northeast  
10 corner of said 1.580 acre tract and the most northerly northwest  
11 corner of said 18.2958 acre tract and the herein described tract;

12       THENCE North 86°10'30" East, with the south line of said  
13 Chateau Woods, a distance of 1000.19 feet to the POINT OF BEGINNING,  
14 containing 46.673 acres (2,033,071 square feet) of land in  
15 Montgomery County, Texas.

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

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

26       (c) The Texas Commission on Environmental Quality has filed  
27 its recommendations relating to this Act with the governor, the



1 lieutenant governor, and the speaker of the house of  
2 representatives within the required time.

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

7 SECTION 4. (a) If this Act does not receive a two-thirds  
8 vote of all the members elected to each house, Subchapter C, Chapter  
9 7917A, Special District Local Laws Code, as added by Section 1 of  
10 this Act, is amended by adding Section 7917A.0308 to read as  
11 follows:

12 Sec. 7917A.0308. NO EMINENT DOMAIN POWER. The district may  
13 not exercise the power of eminent domain.

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

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