

1-1 By: Creighton S.B. No. 2462
 1-2 (In the Senate - Filed March 26, 2019; March 27, 2019, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; April 23, 2019, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; April 23, 2019, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|----------------|-----|-----|--------|-----|
| 1-7 Lucio | X | | | |
| 1-8 Schwertner | X | | | |
| 1-9 Alvarado | X | | | |
| 1-10 Campbell | X | | | |
| 1-11 Fallon | X | | | |
| 1-12 Menéndez | | | X | |
| 1-13 Nichols | X | | | |

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the Montgomery County Municipal Utility
 1-18 District No. 161; granting a limited power of eminent domain;
 1-19 providing authority to issue bonds; providing authority to impose
 1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-23 Code, is amended by adding Chapter 8089 to read as follows:
 1-24 CHAPTER 8089. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 161

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 8089.0101. DEFINITIONS. In this chapter:

- 1-27 (1) "Board" means the district's board of directors.
- 1-28 (2) "Commission" means the Texas Commission on
 1-29 Environmental Quality.
- 1-30 (3) "Director" means a board member.
- 1-31 (4) "District" means the Montgomery County Municipal
 1-32 Utility District No. 161.

1-33 Sec. 8089.0102. NATURE OF DISTRICT. The district is a
 1-34 municipal utility district created under Section 59, Article XVI,
 1-35 Texas Constitution.

1-36 Sec. 8089.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-37 REQUIRED. The temporary directors shall hold an election to
 1-38 confirm the creation of the district and to elect five permanent
 1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 8089.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-41 temporary directors may not hold an election under Section
 1-42 8089.0103 until each municipality in whose corporate limits or
 1-43 extraterritorial jurisdiction the district is located has
 1-44 consented by ordinance or resolution to the creation of the
 1-45 district and to the inclusion of land in the district.

1-46 Sec. 8089.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

- 1-47 (a) The district is created to serve a public purpose and benefit.
- 1-48 (b) The district is created to accomplish the purposes of:
 - 1-49 (1) a municipal utility district as provided by
 - 1-50 general law and Section 59, Article XVI, Texas Constitution; and
 - 1-51 (2) Section 52, Article III, Texas Constitution, that
 - 1-52 relate to the construction, acquisition, improvement, operation,
 - 1-53 or maintenance of macadamized, graveled, or paved roads, or
 - 1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8089.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-56 district is initially composed of the territory described by
 1-57 Section 2 of the Act enacting this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
 1-59 the Act enacting this chapter form a closure. A mistake made in the
 1-60 field notes or in copying the field notes in the legislative process
 1-61 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.

SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8089.0201. 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 8089.0202, directors

2-11 serve staggered four-year terms.

2-12 Sec. 8089.0202. TEMPORARY DIRECTORS. (a) On or after the

2-13 effective date of the Act enacting this chapter, the owner or owners

2-14 of a majority of the assessed value of the real property in the

2-15 district may submit a petition to the commission requesting that

2-16 the commission appoint as temporary directors the five persons

2-17 named in the petition. The commission shall appoint as temporary

2-18 directors the five persons named in the petition.

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

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

2-21 Section 8089.0103; 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 8089.0103 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 8089.0103; 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.

SUBCHAPTER C. POWERS AND DUTIES

2-40 Sec. 8089.0301. GENERAL POWERS AND DUTIES. The district

2-41 has the powers and duties necessary to accomplish the purposes for

2-42 which the district is created.

2-43 Sec. 8089.0302. MUNICIPAL UTILITY DISTRICT POWERS AND

2-44 DUTIES. The district has the powers and duties provided by the

2-45 general law of this state, including Chapters 49 and 54, Water Code,

2-46 applicable to municipal utility districts created under Section 59,

2-47 Article XVI, Texas Constitution.

2-48 Sec. 8089.0303. AUTHORITY FOR ROAD PROJECTS. Under Section

2-49 52, Article III, Texas Constitution, the district may design,

2-50 acquire, construct, finance, issue bonds for, improve, operate,

2-51 maintain, and convey to this state, a county, or a municipality for

2-52 operation and maintenance macadamized, graveled, or paved roads, or

2-53 improvements, including storm drainage, in aid of those roads.

2-54 Sec. 8089.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A

2-55 road project must meet all applicable construction standards,

2-56 zoning and subdivision requirements, and regulations of each

2-57 municipality in whose corporate limits or extraterritorial

2-58 jurisdiction the road project is located.

2-59 (b) If a road project is not located in the corporate limits

2-60 or extraterritorial jurisdiction of a municipality, the road

2-61 project must meet all applicable construction standards,

2-62 subdivision requirements, and regulations of each county in which

2-63 the road project is located.

2-64 (c) If the state will maintain and operate the road, the

2-65 Texas Transportation Commission must approve the plans and

2-66 specifications of the road project.

2-67 Sec. 8089.0305. COMPLIANCE WITH MUNICIPAL CONSENT

2-68 ORDINANCE OR RESOLUTION. The district shall comply with all

2-69 ordinances or resolutions of the municipality in which the road project

2-70 is located.

3-1 applicable requirements of any ordinance or resolution that is
3-2 adopted under Section 54.016 or 54.0165, Water Code, and that
3-3 consents to the creation of the district or to the inclusion of land
3-4 in the district.

3-5 Sec. 8089.0306. DIVISION OF DISTRICT. (a) The district
3-6 may be divided into two or more new districts only if the district:

- 3-7 (1) has never issued any bonds; and
- 3-8 (2) is not imposing ad valorem taxes.

3-9 (b) This chapter applies to any new district created by the
3-10 division of the district, and a new district has all the powers and
3-11 duties of the district.

3-12 (c) A new district created by the division of the district
3-13 may not, at the time the new district is created, contain any land
3-14 outside the area described by Section 2 of the Act enacting this
3-15 chapter.

3-16 (d) The board, on its own motion or on receipt of a petition
3-17 signed by the owner or owners of a majority of the assessed value of
3-18 the real property in the district, may adopt an order dividing the
3-19 district.

3-20 (e) The board may adopt an order dividing the district
3-21 before or after the date the board holds an election under Section
3-22 8089.0103 to confirm the district's creation.

3-23 (f) An order dividing the district shall:

- 3-24 (1) name each new district;
- 3-25 (2) include the metes and bounds description of the
3-26 territory of each new district;
- 3-27 (3) appoint temporary directors for each new district;

3-28 and
3-29 (4) provide for the division of assets and liabilities
3-30 between the new districts.

3-31 (g) On or before the 30th day after the date of adoption of
3-32 an order dividing the district, the district shall file the order
3-33 with the commission and record the order in the real property
3-34 records of each county in which the district is located.

3-35 (h) A new district created by the division of the district
3-36 shall hold a confirmation and directors' election as required by
3-37 Section 8089.0103.

3-38 (i) If the creation of the new district is confirmed, the
3-39 new district shall provide the election date and results to the
3-40 commission.

3-41 (j) Any new district created by the division of the district
3-42 must hold an election as required by this chapter to obtain voter
3-43 approval before the district may impose a maintenance tax or issue
3-44 bonds payable wholly or partly from ad valorem taxes.

3-45 (k) Municipal consent to the creation of the district and to
3-46 the inclusion of land in the district granted under Section
3-47 8089.0104 acts as municipal consent to the creation of any new
3-48 district created by the division of the district and to the
3-49 inclusion of land in the new district.

3-50 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-51 Sec. 8089.0401. ELECTIONS REGARDING TAXES OR BONDS.

3-52 (a) The district may issue, without an election, bonds and other
3-53 obligations secured by:

- 3-54 (1) revenue other than ad valorem taxes; or
- 3-55 (2) contract payments described by Section 8089.0403.

3-56 (b) The district must hold an election in the manner
3-57 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-58 before the district may impose an ad valorem tax or issue bonds
3-59 payable from ad valorem taxes.

3-60 (c) The district may not issue bonds payable from ad valorem
3-61 taxes to finance a road project unless the issuance is approved by a
3-62 vote of a two-thirds majority of the district voters voting at an
3-63 election held for that purpose.

3-64 Sec. 8089.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-65 authorized at an election held under Section 8089.0401, the
3-66 district may impose an operation and maintenance tax on taxable
3-67 property in the district in accordance with Section 49.107, Water
3-68 Code.

3-69 (b) The board shall determine the tax rate. The rate may not

4-1 exceed the rate approved at the election.
 4-2 Sec. 8089.0403. CONTRACT TAXES. (a) In accordance with
 4-3 Section 49.108, Water Code, the district may impose a tax other than
 4-4 an operation and maintenance tax and use the revenue derived from
 4-5 the tax to make payments under a contract after the provisions of
 4-6 the contract have been approved by a majority of the district voters
 4-7 voting at an election held for that purpose.

4-8 (b) A contract approved by the district voters may contain a
 4-9 provision stating that the contract may be modified or amended by
 4-10 the board without further voter approval.

4-11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-12 Sec. 8089.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 4-13 OBLIGATIONS. The district may issue bonds or other obligations
 4-14 payable wholly or partly from ad valorem taxes, impact fees,
 4-15 revenue, contract payments, grants, or other district money, or any
 4-16 combination of those sources, to pay for any authorized district
 4-17 purpose.

4-18 Sec. 8089.0502. TAXES FOR BONDS. At the time the district
 4-19 issues bonds payable wholly or partly from ad valorem taxes, the
 4-20 board shall provide for the annual imposition of a continuing
 4-21 direct ad valorem tax, without limit as to rate or amount, while all
 4-22 or part of the bonds are outstanding as required and in the manner
 4-23 provided by Sections 54.601 and 54.602, Water Code.

4-24 Sec. 8089.0503. BONDS FOR ROAD PROJECTS. At the time of
 4-25 issuance, the total principal amount of bonds or other obligations
 4-26 issued or incurred to finance road projects and payable from ad
 4-27 valorem taxes may not exceed one-fourth of the assessed value of the
 4-28 real property in the district.

4-29 SECTION 2. The Montgomery County Municipal Utility District
 4-30 No. 161 initially includes all the territory contained in the
 4-31 following area:

4-32 A description of a 652 acre tract of land, located in the
 4-33 Alfonzo Steel Survey, Abstract 477, the John Bricker Survey,
 4-34 Abstract 98, the Gowan Harris Survey, Abstract 246, and the Lemuel
 4-35 Smith Survey, Abstract 502, in Montgomery County, Texas; out of the
 4-36 1835.060 acre tract of land referenced as Tract III, Parcel 2, and
 4-37 out of the 191.470 acre tract of land referenced as Tract II, Parcel
 4-38 1 and out of the 105.594 acre tract of land referenced as Tract 2,
 4-39 Parcel 4 described in the deed recorded under Document Number
 4-40 2018042236 of the Official Public Records of Montgomery County,
 4-41 Texas and more particularly described as follows:

4-42 BEGINNING at the south corner of said John Bricker Survey,
 4-43 common to the east corner of said Gowan Harris Survey and the south
 4-44 corner of said Tract 2, Parcel 4;

4-45 THENCE North 30° 26' 13" West - 3138.61, along the west line of
 4-46 said Tract 2, Parcel 4, partially along the southwest line of said
 4-47 John Bricker Survey, common to the northeast line of said Gowan
 4-48 Harris Survey, to the intersection of said common line and the north
 4-49 right-of-way line of State Highway 242 (Lazy River Road), and the
 4-50 south line of aforesaid Tract III, Parcel 2, and the south line of
 4-51 aforesaid Tract 2, Parcel 1, common to the point of non-tangent
 4-52 curve to the right;

4-53 THENCE along said north right-of-way line, and along said
 4-54 south line of said Tract III, Parcel 2, along said curve to the
 4-55 right, 60.70', with a radius of 2565.25', a central angle of 01° 21'
 4-56 21", and a chord bearing and distance of North 73° 32' 31" West -
 4-57 60.70', to the end of curve;

4-58 THENCE continuing along said north right-of-way line, common
 4-59 to the south line of said Tract 3, Parcel 2, the following twenty
 4-60 (20) courses and distances:

- 4-61 North 72° 50' 00" West - 1063.30';
- 4-62 North 69° 00' 59" West - 299.06';
- 4-63 North 72° 47' 05" West - 101.02';
- 4-64 North 78° 40' 07" West - 99.47';
- 4-65 North 72° 47' 17" West - 201.25';
- 4-66 North 71° 52' 08" West - 299.75';
- 4-67 North 72° 59' 03" West - 100.41';
- 4-68 North 75° 32' 57" West - 99.82';
- 4-69 North 73° 01' 36" West - 511.85';

5-1 North 72° 53' 37" West - 586.90';
 5-2 North 78° 36' 15" West - 100.50';
 5-3 North 72° 53' 37" West - 314.28' to a point on a curve to
 5-4 the left;
 5-5 262.81', along said curve to the left, with a radius of
 5-6 2954.79', a central angle of 05° 05' 46", and a chord bearing
 5-7 and distance of North 75° 26' 30" West - 262.72' to the end of
 5-8 curve;
 5-9 North 75° 22' 06" West - 525.80';
 5-10 South 81° 54' 27" West - 733.46';
 5-11 South 76° 44' 39" West - 418.29';
 5-12 South 69° 22' 36" West - 409.05';
 5-13 South 66° 28' 20" West - 300.00';
 5-14 South 63° 36' 35" West - 300.37';
 5-15 South 66° 28' 20" West - 799.40', to the intersection of
 5-16 aforesaid north right-of-way line and the west line of an
 5-17 electric transmission corridor, in the south line of
 5-18 aforesaid Tract 3, Parcel 2;
 5-19 THENCE North 52° 44' 18" West - 2544.15', along said electric
 5-20 transmission corridor, to a point for corner;
 5-21 THENCE North 43° 44' 05" West - 4153.21', continuing along
 5-22 said electric transmission corridor, to the intersection of said
 5-23 west corridor line and the northwest line of aforesaid Tract III,
 5-24 Parcel 2;
 5-25 THENCE North 59° 01' 30" East - 3444.33', along said northwest
 5-26 line, to the west corner of the 37.61 acre tract described as
 5-27 "First" tract in the partition deed recorded under Volume 583, Page
 5-28 609, of the Deed Records of Montgomery County, Texas;
 5-29 THENCE South 30° 15' 23" East - 1567.16', continuing along the
 5-30 northeast line of aforesaid Tract III, Parcel 2, along the
 5-31 southwest line of said "First" tract, and the southwest line of the
 5-32 37.61 acre tract described as "Second" tract in the partition deed
 5-33 recorded under Volume 583, Page 609, of the Deed Records of
 5-34 Montgomery County, Texas, to the south corner of said "Second"
 5-35 tract;
 5-36 THENCE North 58° 50' 47" East - 1372.93', continuing along the
 5-37 northwest line of said Tract III, Parcel 2, along the southeast line
 5-38 of said "Second" tract, to a point for corner in said southeast line
 5-39 of said "Second" tract;
 5-40 THENCE South 30° 26' 27" East - 2772.87', to a point for
 5-41 corner;
 5-42 THENCE South 59° 25' 43" West - 1902.10' to a point for corner;
 5-43 THENCE South 15° 49' 15" East - 1921.98' to a point which is
 5-44 located three hundred feet north of the north right-of-way of
 5-45 aforesaid State Highway 242;
 5-46 THENCE along a line, three-hundred feet (300') north of
 5-47 parallel with said north right-of-way line, the following
 5-48 twenty-two (22) courses and distances:
 5-49 North 66° 28' 20" East - 320.29';
 5-50 North 63° 36' 35" East - 300.37';
 5-51 North 66° 28' 20" East - 315.10';
 5-52 North 69° 22' 36" East - 435.97';
 5-53 North 76° 44' 39" East - 451.13';
 5-54 North 81° 54' 27" East - 807.27';
 5-55 South 75° 22' 06" East - 579.39' to the beginning of a
 5-56 curve to the right;
 5-57 282.46', along said curve to the right, with a radius of
 5-58 3254.79', a central angle of 04° 58' 20", and a chord bearing
 5-59 and distance of South 75° 22' 47" East - 282.37' to the end of
 5-60 curve;
 5-61 South 72° 53' 37" East - 299.32';
 5-62 South 78° 36' 15" East - 100.50';
 5-63 South 72° 53' 37" East - 601.51';
 5-64 South 73° 01' 36" East - 504.90';
 5-65 South 75° 32' 57" East - 99.73';
 5-66 South 72° 59' 03" East - 110.05';
 5-67 South 71° 52' 08" East - 300.26';
 5-68 South 72° 47' 17" East - 183.43';
 5-69 South 78° 40' 07" East - 99.48';

6-1 South 72° 47' 05" East - 126.31';
 6-2 South 69° 00' 59" East - 298.93';
 6-3 South 72° 50' 13" East - 1053.14' to the beginning of a
 6-4 tangent curve to the left;
 6-5 1655.03', along said curve to the left, with a radius of
 6-6 2565.25', a central angle of 36° 57' 57", and a chord bearing
 6-7 and distance of North 88° 37' 40" East - 1626.48' to the end of
 6-8 curve;
 6-9 North 70° 12' 35" East - 881.55';
 6-10 THENCE North 67° 55' 52" East - 25.80', to the intersection of
 6-11 said three hundred foot offset and the west right-of-way line of FM
 6-12 1314 (Conroe Porter Road), and the east line of aforesaid Tract 2,
 6-13 Parcel 1;
 6-14 THENCE North 11° 00' 27" West - 587.98', continuing along said
 6-15 west right-of-way line of FM 1314 (Conroe Porter Road), and the east
 6-16 line of aforesaid Tract 2, Parcel 1, to a point for corner;
 6-17 THENCE North 12° 31' 04" West - 2420.93', continuing along
 6-18 said common line, and the east line of aforesaid Tract III, Parcel 2
 6-19 to a point for corner;
 6-20 THENCE North 12° 33' 22" West - 34.59', continuing along
 6-21 aforesaid west right-of-way line of FM 1314 (Conroe Porter Road)
 6-22 and the east line of aforesaid Tract III, Parcel 2, to the beginning
 6-23 of a tangent curve to the left;
 6-24 THENCE, 1150.34', continuing along said common line, along
 6-25 said curve to the left, having a radius of 1859.86', a central angle
 6-26 of 35° 26' 17", and a chord bearing and distance of North 30° 18' 14"
 6-27 West - 1132.09' to the end of curve;
 6-28 THENCE North 48° 01' 22" West - 2965.58', continuing along
 6-29 said common line, to the intersection of said common line and the
 6-30 northwest line of aforesaid Alfonzo Steel Survey;
 6-31 THENCE North 58° 58' 24" East - 105.84', along the northwest
 6-32 line of said Alfonzo Steel Survey, to the intersection of said
 6-33 northwest line and the east right-of-way line of aforesaid FM 1314
 6-34 (Conroe Porter Road), the northwest corner of the 273.466 acre
 6-35 tract of land referenced as Tract III, Parcel 1 described in the
 6-36 deed recorded under Document Number 2018042236 of the Official
 6-37 Public Records of Montgomery County, Texas;
 6-38 THENCE South 48° 01' 22" East - 2935.99', continuing along
 6-39 said east right-of-way line, and the west line of Tract III, Parcel
 6-40 1, to the beginning of a curve to the right;
 6-41 THENCE, 1212.26', continuing along said common line, along
 6-42 said curve to the right, with a radius of 1959.86', a central angle
 6-43 of 35° 26' 24", and a chord bearing and distance of South 30° 16' 34"
 6-44 East - 1193.03' to the end of curve;
 6-45 THENCE South 12° 33' 22" East - 1.21, continuing along said
 6-46 common line, to a point for corner;
 6-47 THENCE South 12° 01' 58" East - 2102.94', continuing along
 6-48 said east right-of-way line, and west line of the Tract III, Parcel
 6-49 1 and the west line of a 195.961 acre tract of land referenced as
 6-50 Tract 2, Parcel 2 described in the deed recorded under Document
 6-51 Number 2018042236 of the Official Public Records of Montgomery
 6-52 County, Texas; to a point for corner;
 6-53 THENCE South 13° 30' 38" East - 995.85', continuing along said
 6-54 east right-of-way line, and said west line of Tract 2, Parcel 2, to
 6-55 a point for corner;
 6-56 THENCE South 23° 14' 55" East - 200.33', continuing along said
 6-57 common line, to the intersection of said common line and the north
 6-58 right-of-way line of State Highway 242;
 6-59 THENCE South 16° 50' 19" East - 538.64', continuing along
 6-60 aforesaid east right-of-way line, to a point for corner at the
 6-61 intersection of said east right-of-way line and the south
 6-62 right-of-way line of said State Highway 242, the northwest corner
 6-63 of a 90.860 acre tract of land referenced as Tract 2, Parcel 3
 6-64 described in the deed recorded under Document Number 2018042236 of
 6-65 the Official Public Records of Montgomery County, Texas;
 6-66 THENCE South 19° 50' 32" East - 241.38', continuing along said
 6-67 east right-of-way line, and the west line of said Tract 2, Parcel 3,
 6-68 to a point for corner;
 6-69 THENCE South 22° 10' 36" East - 597.39', continuing along said

7-1 common line, to a point for corner;

7-2 THENCE South 24° 51' 16" East - 778.41', continuing along said
7-3 common line, to the intersection of said common line and the
7-4 southeast line of aforesaid John Bricker Survey;

7-5 THENCE South 60° 50' 57" West - 89.83', along said southeast
7-6 line of the John Bricker Survey, to the southeast corner of
7-7 aforesaid Tract 2, Parcel 4;

7-8 THENCE South 59° 09' 24" West - 2139.18', along the southeast
7-9 line of said Tract 2, Parcel 4 and said southeast line of the John
7-10 Bricker Survey, to the POINT OF BEGINNING, and containing 652
7-11 acres, more or less.

7-12 SECTION 3. (a) The legal notice of the intention to
7-13 introduce this Act, setting forth the general substance of this
7-14 Act, has been published as provided by law, and the notice and a
7-15 copy of this Act have been furnished to all persons, agencies,
7-16 officials, or entities to which they are required to be furnished
7-17 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
7-18 Government Code.

7-19 (b) The governor, one of the required recipients, has
7-20 submitted the notice and Act to the Texas Commission on
7-21 Environmental Quality.

7-22 (c) The Texas Commission on Environmental Quality has filed
7-23 its recommendations relating to this Act with the governor, the
7-24 lieutenant governor, and the speaker of the house of
7-25 representatives within the required time.

7-26 (d) All requirements of the constitution and laws of this
7-27 state and the rules and procedures of the legislature with respect
7-28 to the notice, introduction, and passage of this Act are fulfilled
7-29 and accomplished.

7-30 SECTION 4. (a) If this Act does not receive a two-thirds
7-31 vote of all the members elected to each house, Subchapter C, Chapter
7-32 8089, Special District Local Laws Code, as added by Section 1 of
7-33 this Act, is amended by adding Section 8089.0307 to read as follows:

7-34 Sec. 8089.0307. NO EMINENT DOMAIN POWER. The district may
7-35 not exercise the power of eminent domain.

7-36 (b) This section is not intended to be an expression of a
7-37 legislative interpretation of the requirements of Section 17(c),
7-38 Article I, Texas Constitution.

7-39 SECTION 5. This Act takes effect immediately if it receives
7-40 a vote of two-thirds of all the members elected to each house, as
7-41 provided by Section 39, Article III, Texas Constitution. If this
7-42 Act does not receive the vote necessary for immediate effect, this
7-43 Act takes effect September 1, 2019.

7-44

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