

1-1 By: Zaffirini S.B. No. 887
 1-2 (In the Senate - Filed February 13, 2023; March 1, 2023,
 1-3 read first time and referred to Committee on Local Government;
 1-4 April 28, 2023, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; April 28, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker			X	
1-14 Paxton	X			
1-15 West	X			

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

1-19 relating to the creation of the Maxwell Municipal Utility District
 1-20 No. 1; granting a limited power of eminent domain; providing
 1-21 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 7961 to read as follows:

1-26 CHAPTER 7961. MAXWELL MUNICIPAL UTILITY DISTRICT NO. 1

1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 7961.0101. 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 Maxwell Municipal Utility
 1-34 District No. 1.

1-35 Sec. 7961.0102. 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. 7961.0103. 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. 7961.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 7961.0103 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. 7961.0105. 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. 7961.0106. 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

2-1 field notes or in copying the field notes in the legislative process
 2-2 does not affect the district's:

- 2-3 (1) organization, existence, or validity;
 2-4 (2) right to issue any type of bond for the purposes
 2-5 for which the district is created or to pay the principal of and
 2-6 interest on a bond;
 2-7 (3) right to impose a tax; or
 2-8 (4) legality or operation.

2-9 SUBCHAPTER B. BOARD OF DIRECTORS

2-10 Sec. 7961.0201. GOVERNING BODY; TERMS. (a) The district is
 2-11 governed by a board of five elected directors.

2-12 (b) Except as provided by Section 7961.0202, directors
 2-13 serve staggered four-year terms.

2-14 Sec. 7961.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-15 effective date of the Act enacting this chapter, the owner or owners
 2-16 of a majority of the assessed value of the real property in the
 2-17 district may submit a petition to the commission requesting that
 2-18 the commission appoint as temporary directors the five persons
 2-19 named in the petition. The commission shall appoint as temporary
 2-20 directors the five persons named in the petition.

2-21 (b) Temporary directors serve until the earlier of:

2-22 (1) the date permanent directors are elected under
 2-23 Section 7961.0103; or

2-24 (2) the fourth anniversary of the effective date of
 2-25 the Act enacting this chapter.

2-26 (c) If permanent directors have not been elected under
 2-27 Section 7961.0103 and the terms of the temporary directors have
 2-28 expired, successor temporary directors shall be appointed or
 2-29 reappointed as provided by Subsection (d) to serve terms that
 2-30 expire on the earlier of:

2-31 (1) the date permanent directors are elected under
 2-32 Section 7961.0103; or

2-33 (2) the fourth anniversary of the date of the
 2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a
 2-36 majority of the assessed value of the real property in the district
 2-37 may submit a petition to the commission requesting that the
 2-38 commission appoint as successor temporary directors the five
 2-39 persons named in the petition. The commission shall appoint as
 2-40 successor temporary directors the five persons named in the
 2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 7961.0301. GENERAL POWERS AND DUTIES. The district
 2-44 has the powers and duties necessary to accomplish the purposes for
 2-45 which the district is created.

2-46 Sec. 7961.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-47 DUTIES. The district has the powers and duties provided by the
 2-48 general law of this state, including Chapters 49 and 54, Water Code,
 2-49 applicable to municipal utility districts created under Section 59,
 2-50 Article XVI, Texas Constitution.

2-51 Sec. 7961.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-52 52, Article III, Texas Constitution, the district may design,
 2-53 acquire, construct, finance, issue bonds for, improve, operate,
 2-54 maintain, and convey to this state, a county, or a municipality for
 2-55 operation and maintenance macadamized, graveled, or paved roads, or
 2-56 improvements, including storm drainage, in aid of those roads.

2-57 Sec. 7961.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-58 road project must meet all applicable construction standards,
 2-59 zoning and subdivision requirements, and regulations of each
 2-60 municipality in whose corporate limits or extraterritorial
 2-61 jurisdiction the road project is located.

2-62 (b) If a road project is not located in the corporate limits
 2-63 or extraterritorial jurisdiction of a municipality, the road
 2-64 project must meet all applicable construction standards,
 2-65 subdivision requirements, and regulations of each county in which
 2-66 the road project is located.

2-67 (c) If the state will maintain and operate the road, the
 2-68 Texas Transportation Commission must approve the plans and
 2-69 specifications of the road project.

3-1 Sec. 7961.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 3-2 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-3 applicable requirements of any ordinance or resolution that is
 3-4 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-5 consents to the creation of the district or to the inclusion of land
 3-6 in the district.

3-7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-8 Sec. 7961.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-9 The district may issue, without an election, bonds and other
 3-10 obligations secured by:

3-11 (1) revenue other than ad valorem taxes; or

3-12 (2) contract payments described by Section 7961.0403.

3-13 (b) The district must hold an election in the manner
 3-14 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-15 before the district may impose an ad valorem tax or issue bonds
 3-16 payable from ad valorem taxes.

3-17 (c) The district may not issue bonds payable from ad valorem
 3-18 taxes to finance a road project unless the issuance is approved by a
 3-19 vote of a two-thirds majority of the district voters voting at an
 3-20 election held for that purpose.

3-21 Sec. 7961.0402. OPERATION AND MAINTENANCE TAX. (a) If
 3-22 authorized at an election held under Section 7961.0401, the
 3-23 district may impose an operation and maintenance tax on taxable
 3-24 property in the district in accordance with Section 49.107, Water
 3-25 Code.

3-26 (b) The board shall determine the tax rate. The rate may not
 3-27 exceed the rate approved at the election.

3-28 Sec. 7961.0403. CONTRACT TAXES. (a) In accordance with
 3-29 Section 49.108, Water Code, the district may impose a tax other than
 3-30 an operation and maintenance tax and use the revenue derived from
 3-31 the tax to make payments under a contract after the provisions of
 3-32 the contract have been approved by a majority of the district voters
 3-33 voting at an election held for that purpose.

3-34 (b) A contract approved by the district voters may contain a
 3-35 provision stating that the contract may be modified or amended by
 3-36 the board without further voter approval.

3-37 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-38 Sec. 7961.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 3-39 OBLIGATIONS. The district may issue bonds or other obligations
 3-40 payable wholly or partly from ad valorem taxes, impact fees,
 3-41 revenue, contract payments, grants, or other district money, or any
 3-42 combination of those sources, to pay for any authorized district
 3-43 purpose.

3-44 Sec. 7961.0502. TAXES FOR BONDS. At the time the district
 3-45 issues bonds payable wholly or partly from ad valorem taxes, the
 3-46 board shall provide for the annual imposition of a continuing
 3-47 direct ad valorem tax, without limit as to rate or amount, while all
 3-48 or part of the bonds are outstanding as required and in the manner
 3-49 provided by Sections 54.601 and 54.602, Water Code.

3-50 Sec. 7961.0503. BONDS FOR ROAD PROJECTS. At the time of
 3-51 issuance, the total principal amount of bonds or other obligations
 3-52 issued or incurred to finance road projects and payable from ad
 3-53 valorem taxes may not exceed one-fourth of the assessed value of the
 3-54 real property in the district.

3-55 SECTION 2. The Maxwell Municipal Utility District No. 1
 3-56 initially includes all the territory contained in the following
 3-57 area:

3-58 BEING A 1,044.73 ACRE TRACT IN OF THE C. WESTERFELD SURVEY, ABSTRACT
 3-59 NUMBER 324, THE J.H. FOLLEY SURVEY, ABSTRACT NUMBER 107, THE H.
 3-60 MCNEIL SURVEY, ABSTRACT NUMBER 199, AND THE W. BARBER SURVEY
 3-61 ABSTRACT NUMBER 48, CALDWELL COUNTY, TEXAS, SAID 1,044.73 ACRE
 3-62 TRACT BEING ALL OF A CALLED 1.9077 ACRE TRACT (KNOWN AS TRACT 3), A
 3-63 CALLED 141.205 ACRE TRACT (KNOWN AS TRACT 1) AND A 600.607 ACRE
 3-64 TRACT (KNOWN AS TRACT 2), DESCRIBED IN A DEED TO TACK REDWOOD
 3-65 PARTNERS, AS RECORDED IN DOCUMENT NUMBER 2021009027 OF THE OFFICIAL
 3-66 PUBLIC RECORDS OF CALDWELL COUNTY, TEXAS [O.P.R.C.C.T.], ALSO BEING
 3-67 ALL OF A CALLED 149.979 ACRE TRACT DESCRIBED IN A DEED TO DORIS
 3-68 STUEBING RECORDED IN DOCUMENT NUMBER 2019005265 [O.P.R.C.C.T.],
 3-69 AND ALL OF A CALLED 150.00 ACRE TRACT DESCRIBED IN A DEED TO KYRAN W.

4-1 FEY JR., AND WIFE JUDY A. FEY RECORDED IN VOLUME 206, PAGE 627
4-2 [O.P.R.C.C.T.], SAID 1,004.73 ACRE TRACT BEING MORE PARTICULARLY
4-3 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
4-4 BEGINNING at a 1/2-inch iron rod found on the south right-of-way
4-5 line of Highway 142 (deed of record not found) at the northeast
4-6 corner of a called 25.977-acre tract described in a deed to Lawrence
4-7 V. Bumb recorded in Volume 320, Page 296, Deed Records of Caldwell
4-8 County, Texas [D.R.C.C.T.], and for the northwest corner of the
4-9 said 1.9077-acre tract, same being for the POINT OF BEGINNING of the
4-10 tract described herein;
4-11 THENCE with the south right-of-way line of the said Highway 142, and
4-12 the north line of the said 1.9077-acre tract and the northwest line
4-13 of the said 141.205-acre tract, the following three (3) courses and
4-14 distances:
4-15 1) N87°16'44"E, a distance of 785.16 feet to a concrete
4-16 highway monument found for the most easterly corner of the said
4-17 1.9077-acre tract,
4-18 2) N87° 18'58"E, a distance of 1585.93 feet to a concrete
4-19 highway monument found for an angle corner of the tract described
4-20 herein, and
4-21 3) N87°20'00 'E, a distance of 73.38 feet to a fence post
4-22 found for the most northwesterly corner of a called 86.278-acre
4-23 tract conveyed to Straight Down LLC (deed of record not found, tax
4-24 Parcel ID number 113768), same being for the most northerly corner
4-25 of the said 141.205-acre tract and the tract described herein;
4-26 THENCE with the northeast line of the said 141.205-acre tract and
4-27 the southwest line of the said 86.278-acre tract the following
4-28 three (3) courses and distances:
4-29 1) S40°44'58 'E, a distance of 896.28 feet to a 5/8-inch iron
4-30 rod found for an angle corner,
4-31 2) S48°48'24 'W, a distance of 468.42 feet to a 5/8-inch iron
4-32 rod found for an angle corner, and
4-33 3) S40°26'28"E, a distance of 2,795.99 feet to a 1/2-inch
4-34 iron rod with cap stamped "Chap" found for the most southeasterly
4-35 corner of the said 86.278-acre tract, and on a northwest line of the
4-36 said 600.507-acre tract and an angle corner of the tract described
4-37 herein;
4-38 THENCE N58°02'10"E, with the line common to the said 600.507-acre
4-39 tract and the said 86.278-acre tract, a distance of 1,189.91 feet to
4-40 a 4-inch iron pipe found on the southeast line of a called 2.78-acre
4-41 tract conveyed to Frazier Land & Cattle Co. LLC., (deed of record
4-42 not found, Tax Parcel ID 40622), for the southwest corner of a
4-43 called 5.96-acre tract conveyed to Frazier Land & Cattle (deed of
4-44 record not found, Tax Parcel ID 40623) and for a north corner of the
4-45 said 600.507-acre tract and the tract described herein;
4-46 THENCE S33°23'09"E with the line common to the said 600.507-acre
4-47 tract the said 5.96-acre tract, a called 7.07-acre tract described
4-48 in a deed to Richard W. Castillion recorded in Document Number
4-49 2016-001683 [O.P.R.C.C.T.], a called 5.59-acre tract described in a
4-50 deed to Clyde S. Arms & Tina M. McFerrin recorded in Volume 370,
4-51 Page 843 [D.R.C.C.T.], a called 8.5-acre tract conveyed to Sabine
4-52 Hinkle (deed of record not found, Tax Parcel ID 40627), and a called
4-53 340.368-acre tract described in a deed to LLTXLP LLC., recorded in
4-54 Document Number 2021-005216 [O.P.R.C.C.T.] a distance of 4,230.64
4-55 feet to a 4-inch metal Fence Post found on the west line of the said
4-56 149.979-acre tract, and for the southeast corner of the said
4-57 340.368-acre tract and for an angle corner of the tract described
4-58 herein;
4-59 THENCE N48°18'30"E, with the east line of the said 340.368-acre
4-60 tract and the west line of the said 149.979-acre tract, a distance
4-61 of 978.30 feet to a 1/2-inch iron rod with cap stamped "Hinkle"
4-62 found on the south right-of-way line of Tower Road (deed of record
4-63 not found), at the northwest corner of the said 149.979-acre tract
4-64 and for an angle corner of the tract described herein;
4-65 THENCE S28°41'54"E, with the south right-of-way line of the said
4-66 Tower Road and the north line of the said 149.979-acre tract, a
4-67 distance of 1,548.68 feet to a 1/2-inch iron rod with cap stamped
4-68 "Hinkle" found for the most northwesterly corner of a called
4-69 11.413-acre tract described in a deed to Stacey M. Sjogren recorded

5-1 in Document Number 2021-000069 [O.P.R.C.C.T.];
 5-2 THENCE with the east line of the said 149.979-acre tract and the
 5-3 west line of the said 11.413-acre tract and the west line of a
 5-4 called 11-acre tract described to Hernandez recorded in Document
 5-5 Number 2019-003033 [O.P.R.C.C.T.], the following 3 courses and
 5-6 distances:

5-7 1) S54°09'43"W, a distance of 2,428.50 feet to a 1/2-inch
 5-8 iron rod with cap stamped "Hinkle" found for an angle point of the
 5-9 said 11-acre tract, the said 149.979-acre tract and the tract
 5-10 described herein,

5-11 2) S40°18'17"W, a distance of 145.04 feet to a 1/2-inch iron
 5-12 rod with cap stamped "Hinkle" found for the most southwesterly
 5-13 corner of the said 11-acre tract, for an angle point of the said
 5-14 149.979-acre tract and the tract described herein, and

5-15 3) S49°47'47"E, a distance of 201.60 feet to a Fence Post
 5-16 found for a northwesterly corner of the said 150.00-acre tract,
 5-17 same being a southeasterly corner of the said 11-acre tract and an
 5-18 angle corner of the said 149.979-acre tract and the tract described
 5-19 herein;

5-20 THENCE N78°32'26"E, with the north line of the said 150.00-acre
 5-21 tract and the southeast line of the said 11-acre tract, a distance
 5-22 of 393.17 feet to a 1/2-inch iron rod found on the southeast line of
 5-23 the said 11-acre tract, for the most westerly corner of a called
 5-24 26.166-acre tract described in a deed to Veterans Land Board
 5-25 recorded in Document Number 370-114820 [O.P.R.C.C.T.], and for an
 5-26 angle corner of the said 150.00-acre tract and the tract described
 5-27 herein;

5-28 THENCE S41°30'17"E, with the north line of the said 150.00-acre
 5-29 tract, the south line of the said 26.166-acre tract, and the south
 5-30 line of a called 5.00-acre tract described in a deed to Stairtown
 5-31 LTD., recorded in Volume 217, Page 713 [O.P.R.C.C.T.], a distance
 5-32 of 2,387.02 feet passing a 1/2-inch iron rod found at the southeast
 5-33 corner of the said 25.166-acre tract, same being at the southwest
 5-34 corner of the said 5.00-acre tract, and continuing a total distance
 5-35 of 3,234.01 feet to a fence post found on the west right-of-way line
 5-36 of Dickerson Road (deed of record not found), at the southeast
 5-37 corner of the said 5.00-acre tract, at the east corner of the said
 5-38 150.00-acre tract and the tract described herein;

5-39 THENCE with the east line of the said 150.00-acre tract and the west
 5-40 right-of-way line of the said Dickerson Road, the following three
 5-41 (3) courses and distances:

5-42 1) S48°36'10"W, a distance of 50.41 feet passing a 1/2-inch
 5-43 iron rod found, and continuing a total distance of 799.53 feet to an
 5-44 8-inch wood Fence Post found for an angle corner,

5-45 2) S48°34'49"W, a distance of 515.97 feet to an 8-inch wood
 5-46 Fence Post found for an angle corner, and

5-47 3) S47°56'04"W, a distance of 545.47 feet to a 2-inch metal
 5-48 Fence Post found at the lower northeast corner of a called
 5-49 150.00-acre tract described in a deed to Robert D. Norris recorded
 5-50 in Volume 392, Page 217 [O.P.R.C.C.T.], for the southeast corner of
 5-51 the said 150.00-acre tract (Fey Tract), and the tract described
 5-52 herein;

5-53 THENCE N41°29'29"W, with the south line of the said 150.00-acre
 5-54 tract (Fey Tract) and the north line of the said 150.00-acre tract
 5-55 (Norris Tract), a distance of 3,647.86 feet to a Fence Post found
 5-56 for the southwest corner of the said 150.00-acre tract (Fey Tract),
 5-57 same being on the east line of the said 149.979-acre tract and for
 5-58 an angle corner of the said 150.00-acre tract (Norris Tract) and the
 5-59 tract described herein;

5-60 THENCE with the lines common to the said 149.979-acre tract and the
 5-61 said 150.00-acre tract (Norris Tract), the following two (2)
 5-62 courses and distances:

5-63 1) S51°24'05"W, a distance of 601.81 feet to a 1/2-inch iron
 5-64 rod with cap stamped "Hinkle" found for the southeast corner of the
 5-65 said 149.979-acre tract, same being an angle corner of the said
 5-66 150.00-acre tract (Norris Tract) and the tract described herein,
 5-67 and

5-68 2) N38°40'27"W, a distance of 1254.84 feet to a 1/2-inch iron
 5-69 rod with cap stamped "Hinkle" found on the east line of a called

6-1 150.4-acre tract conveyed to Capital Land Investments I LP (deed of
6-2 record not found, Tax Parcel ID 103433), for the most westerly
6-3 northwest corner of the said 150.00-acre tract (Norris Tract), at
6-4 the southwest corner of the said 149.979-acre tract, and for an
6-5 angle corner of the tract described herein;
6-6 THENCE N48°29'20"E, with the line common to the said 149.979-acre
6-7 tract and the said 150.4-acre tract, a distance of 342.25 feet to a
6-8 1/2-inch iron rod with cap stamped "Hinkle" found for the northeast
6-9 corner of the said 150.4-acre tract, for the southeast corner of the
6-10 said 600.507-acre tract, and for an angle corner of the tract
6-11 described herein;
6-12 THENCE N41°43'31"W, with the south line of the said 600.507-acre
6-13 tract, the north line of the said 150.4-acre tract, and the north
6-14 line of a called 251.37-acre tract described in a deed to Capital
6-15 Land Investments I LP., recorded in Document Number 2020-003860
6-16 [O.P.R.C.C.T.], a distance of 9,229.35 feet to a 1/2-inch iron rod
6-17 with cap stamped "Chap" found on the east right-of-way line of
6-18 Railroad Street, for the most northerly corner of the said
6-19 251.37-acre tract, same being the most westerly corner of the said
6-20 600.507-acre tract and the tract described herein;
6-21 THENCE with the east right-of-way line of the said Railroad Street
6-22 and the west line of the said 600.507-acre tract the following two
6-23 (2) courses and distances:
6-24 1) N47°56'05"E, a distance of 346.41 feet to a fence post
6-25 found for an angle corner, and
6-26 2) N37°04'12"W, a distance of 12.70 feet to a fence post
6-27 found for the south corner of the said 25.977-acre tract, same being
6-28 an angle corner of the said 600.507-acre tract and the tract
6-29 described herein;
6-30 THENCE with the east line of the said 25.977-acre tract and the west
6-31 line of the said 600.507-acre tract the following five (5) courses
6-32 and distances:
6-33 1) N48°29'32"E, a distance of 638.15 feet to an 8-inch wood
6-34 Fence Post found for an angle corner,
6-35 2) N60°57'02"E, a distance of 77.24 feet an 8-inch wood Fence
6-36 Post found for an angle corner,
6-37 3) N45°38'08"E, a distance of 812.56 feet to a 4-inch metal
6-38 pipe found for the most easterly corner of the said 25.977-acre
6-39 tract,
6-40 4) S58°09'22"W, a distance of 176.54 feet to a 1/2-inch iron
6-41 rod found for an angle corner,
6-42 5) N41°17'54"W, a distance of 297.33 feet to the POINT OF
6-43 BEGINNING and containing 1,044.73-acres, more or less.
6-44 Basis of bearings is the Texas Coordinate System, South Central
6-45 Zone [4204], NAD83 (2011), Epoch 2010. All distances are surface
6-46 values and may be converted to grid by using the surface adjustment
6-47 factor of 1.00012 using CP1 as point of origin.
6-48 Units: U.S. Survey Feet.

6-49 SECTION 3. (a) The legal notice of the intention to
6-50 introduce this Act, setting forth the general substance of this
6-51 Act, has been published as provided by law, and the notice and a
6-52 copy of this Act have been furnished to all persons, agencies,
6-53 officials, or entities to which they are required to be furnished
6-54 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-55 Government Code.

6-56 (b) The governor, one of the required recipients, has
6-57 submitted the notice and Act to the Texas Commission on
6-58 Environmental Quality.

6-59 (c) The Texas Commission on Environmental Quality has filed
6-60 its recommendations relating to this Act with the governor, the
6-61 lieutenant governor, and the speaker of the house of
6-62 representatives within the required time.

6-63 (d) All requirements of the constitution and laws of this
6-64 state and the rules and procedures of the legislature with respect
6-65 to the notice, introduction, and passage of this Act are fulfilled
6-66 and accomplished.

6-67 SECTION 4. (a) If this Act does not receive a two-thirds
6-68 vote of all the members elected to each house, Subchapter C, Chapter
6-69 7961, Special District Local Laws Code, as added by Section 1 of

7-1 this Act, is amended by adding Section 7961.0306 to read as follows:
7-2 Sec. 7961.0306. NO EMINENT DOMAIN POWER. The district may
7-3 not exercise the power of eminent domain.

7-4 (b) This section is not intended to be an expression of a
7-5 legislative interpretation of the requirements of Section 17(c),
7-6 Article I, Texas Constitution.

7-7 SECTION 5. This Act takes effect immediately if it receives
7-8 a vote of two-thirds of all the members elected to each house, as
7-9 provided by Section 39, Article III, Texas Constitution. If this
7-10 Act does not receive the vote necessary for immediate effect, this
7-11 Act takes effect September 1, 2023.

7-12

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