

1-1 By: Metcalf (Senate Sponsor - Kolkhorst) H.B. No. 5320
 1-2 (In the Senate - Received from the House May 3, 2023;
 1-3 May 4, 2023, read first time and referred to Committee on Local
 1-4 Government; May 15, 2023, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 15, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

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

1-19 relating to the creation of the Montgomery County Municipal Utility
 1-20 District No. 227; granting a limited power of eminent domain;
 1-21 providing authority to issue bonds; providing authority to impose
 1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 7921A to read as follows:

1-26 CHAPTER 7921A. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
 1-27 NO. 227

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 7921A.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Montgomery County Municipal
 1-35 Utility District No. 227.

1-36 Sec. 7921A.0102. NATURE OF DISTRICT. The district is a
 1-37 municipal utility district created under Section 59, Article XVI,
 1-38 Texas Constitution.

1-39 Sec. 7921A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-40 REQUIRED. The temporary directors shall hold an election to
 1-41 confirm the creation of the district and to elect five permanent
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 7921A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-44 temporary directors may not hold an election under Section
 1-45 7921A.0103 until each municipality in whose corporate limits or
 1-46 extraterritorial jurisdiction the district is located has
 1-47 consented by ordinance or resolution to the creation of the
 1-48 district and to the inclusion of land in the district as required by
 1-49 applicable law.

1-50 Sec. 7921A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-51 (a) The district is created to serve a public purpose and benefit.

1-52 (b) The district is created to accomplish the purposes of:

1-53 (1) a municipal utility district as provided by
 1-54 general law and Section 59, Article XVI, Texas Constitution; and

1-55 (2) Section 52, Article III, Texas Constitution, that
 1-56 relate to the construction, acquisition, improvement, operation,
 1-57 or maintenance of macadamized, graveled, or paved roads, or
 1-58 improvements, including storm drainage, in aid of those roads.

1-59 Sec. 7921A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-60 district is initially composed of the territory described by
 1-61 Section 2 of the Act enacting this chapter.

2-1 (b) The boundaries and field notes contained in Section 2 of
 2-2 the Act enacting this chapter form a closure. A mistake made in the
 2-3 field notes or in copying the field notes in the legislative process
 2-4 does not affect the district's:

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

2-9 (3) right to impose a tax; or
 2-10 (4) legality or operation.

2-11 SUBCHAPTER B. BOARD OF DIRECTORS

2-12 Sec. 7921A.0201. GOVERNING BODY; TERMS. (a) The district
 2-13 is governed by a board of five elected directors.

2-14 (b) Except as provided by Section 7921A.0202, directors
 2-15 serve staggered four-year terms.

2-16 Sec. 7921A.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-17 effective date of the Act enacting this chapter, the owner or owners
 2-18 of a majority of the assessed value of the real property in the
 2-19 district may submit a petition to the commission requesting that
 2-20 the commission appoint as temporary directors the five persons
 2-21 named in the petition. The commission shall appoint as temporary
 2-22 directors the five persons named in the petition.

2-23 (b) Temporary directors serve until the earlier of:

2-24 (1) the date permanent directors are elected under
 2-25 Section 7921A.0103; or

2-26 (2) the fourth anniversary of the effective date of
 2-27 the Act enacting this chapter.

2-28 (c) If permanent directors have not been elected under
 2-29 Section 7921A.0103 and the terms of the temporary directors have
 2-30 expired, successor temporary directors shall be appointed or
 2-31 reappointed as provided by Subsection (d) to serve terms that
 2-32 expire on the earlier of:

2-33 (1) the date permanent directors are elected under
 2-34 Section 7921A.0103; or

2-35 (2) the fourth anniversary of the date of the
 2-36 appointment or reappointment.

2-37 (d) If Subsection (c) applies, the owner or owners of a
 2-38 majority of the assessed value of the real property in the district
 2-39 may submit a petition to the commission requesting that the
 2-40 commission appoint as successor temporary directors the five
 2-41 persons named in the petition. The commission shall appoint as
 2-42 successor temporary directors the five persons named in the
 2-43 petition.

2-44 SUBCHAPTER C. POWERS AND DUTIES

2-45 Sec. 7921A.0301. GENERAL POWERS AND DUTIES. The district
 2-46 has the powers and duties necessary to accomplish the purposes for
 2-47 which the district is created.

2-48 Sec. 7921A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-49 DUTIES. The district has the powers and duties provided by the
 2-50 general law of this state, including Chapters 49 and 54, Water Code,
 2-51 applicable to municipal utility districts created under Section 59,
 2-52 Article XVI, Texas Constitution.

2-53 Sec. 7921A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-54 Section 52, Article III, Texas Constitution, the district may
 2-55 design, acquire, construct, finance, issue bonds for, improve,
 2-56 operate, maintain, and convey to this state, a county, or a
 2-57 municipality for operation and maintenance macadamized, graveled,
 2-58 or paved roads, or improvements, including storm drainage, in aid
 2-59 of those roads.

2-60 Sec. 7921A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-61 road project must meet all applicable construction standards,
 2-62 zoning and subdivision requirements, and regulations of each
 2-63 municipality in whose corporate limits or extraterritorial
 2-64 jurisdiction the road project is located.

2-65 (b) If a road project is not located in the corporate limits
 2-66 or extraterritorial jurisdiction of a municipality, the road
 2-67 project must meet all applicable construction standards,
 2-68 subdivision requirements, and regulations of each county in which
 2-69 the road project is located.

3-1 (c) If the state will maintain and operate the road, the
 3-2 Texas Transportation Commission must approve the plans and
 3-3 specifications of the road project.
 3-4 Sec. 7921A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 3-5 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-6 applicable requirements of any ordinance or resolution that is
 3-7 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-8 consents to the creation of the district or to the inclusion of land
 3-9 in the district.
 3-10 Sec. 7921A.0306. DIVISION OF DISTRICT. (a) The board, on
 3-11 its own motion or on receipt of a petition signed by the owner or
 3-12 owners of a majority of the assessed value of the real property in
 3-13 the district, may adopt an order dividing the district.
 3-14 (b) An order dividing a district may create one or more new
 3-15 districts and may provide for the continuation of the district.
 3-16 (c) An order dividing the district must:
 3-17 (1) name any new district;
 3-18 (2) include the metes and bounds description of the
 3-19 territory of each of the districts;
 3-20 (3) appoint temporary directors for any new district;
 3-21 and
 3-22 (4) provide for the division of assets and liabilities
 3-23 between the districts.
 3-24 (d) The board may adopt an order dividing the district
 3-25 before or after the date the board holds an election to confirm the
 3-26 district's creation.
 3-27 (e) The district may be divided only if the district:
 3-28 (1) has never issued any bonds; and
 3-29 (2) is not imposing ad valorem taxes.
 3-30 (f) A new district created by the division of the district
 3-31 may not, at the time the new district is created, contain any land
 3-32 outside the area described by Section 2 of the Act enacting this
 3-33 chapter.
 3-34 (g) On or before the 30th day after the date of adoption of
 3-35 an order dividing the district, the district shall file the order
 3-36 with the commission and record the order in the real property
 3-37 records of each county in which the district is located.
 3-38 (h) This chapter applies to any new district created by the
 3-39 division of the district, and a new district has all the powers and
 3-40 duties of the district.
 3-41 (i) A new district created by the division of the district
 3-42 shall hold a confirmation and directors' election.
 3-43 (j) If the creation of the new district is confirmed, the
 3-44 new district shall provide the election date and results to the
 3-45 commission.
 3-46 (k) A new district created by the division of the district
 3-47 must hold an election as required by this chapter to obtain voter
 3-48 approval before the district may impose a maintenance tax or issue
 3-49 bonds payable wholly or partly from ad valorem taxes.
 3-50 (l) The district may continue to rely on confirmation,
 3-51 directors', bond, or tax elections held prior to the division.
 3-52 (m) Municipal consent to the creation of the district and to
 3-53 the inclusion of land in the district acts as municipal consent to
 3-54 the creation of any new district created by the division of the
 3-55 district and to the inclusion of land in the new district.
 3-56 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
 3-57 Sec. 7921A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-58 The district may issue, without an election, bonds and other
 3-59 obligations secured by:
 3-60 (1) revenue other than ad valorem taxes; or
 3-61 (2) contract payments described by Section
 3-62 7921A.0403.
 3-63 (b) The district must hold an election in the manner
 3-64 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-65 before the district may impose an ad valorem tax or issue bonds
 3-66 payable from ad valorem taxes.
 3-67 (c) The district may not issue bonds payable from ad valorem
 3-68 taxes to finance a road project unless the issuance is approved by a
 3-69 vote of a two-thirds majority of the district voters voting at an

4-1 election held for that purpose.

4-2 Sec. 7921A.0402. OPERATION AND MAINTENANCE TAX. (a) If
 4-3 authorized at an election held under Section 7921A.0401, the
 4-4 district may impose an operation and maintenance tax on taxable
 4-5 property in the district in accordance with Section 49.107, Water
 4-6 Code.

4-7 (b) The board shall determine the tax rate. The rate may not
 4-8 exceed the rate approved at the election.

4-9 Sec. 7921A.0403. CONTRACT TAXES. (a) In accordance with
 4-10 Section 49.108, Water Code, the district may impose a tax other than
 4-11 an operation and maintenance tax and use the revenue derived from
 4-12 the tax to make payments under a contract after the provisions of
 4-13 the contract have been approved by a majority of the district voters
 4-14 voting at an election held for that purpose.

4-15 (b) A contract approved by the district voters may contain a
 4-16 provision stating that the contract may be modified or amended by
 4-17 the board without further voter approval.

4-18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-19 Sec. 7921A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 4-20 OBLIGATIONS. The district may issue bonds or other obligations
 4-21 payable wholly or partly from ad valorem taxes, impact fees,
 4-22 revenue, contract payments, grants, or other district money, or any
 4-23 combination of those sources, to pay for any authorized district
 4-24 purpose.

4-25 Sec. 7921A.0502. TAXES FOR BONDS. At the time the district
 4-26 issues bonds payable wholly or partly from ad valorem taxes, the
 4-27 board shall provide for the annual imposition of a continuing
 4-28 direct ad valorem tax, without limit as to rate or amount, while all
 4-29 or part of the bonds are outstanding as required and in the manner
 4-30 provided by Sections 54.601 and 54.602, Water Code.

4-31 Sec. 7921A.0503. BONDS FOR ROAD PROJECTS. At the time of
 4-32 issuance, the total principal amount of bonds or other obligations
 4-33 issued or incurred to finance road projects and payable from ad
 4-34 valorem taxes may not exceed one-fourth of the assessed value of the
 4-35 real property in the district.

4-36 SECTION 2. The Montgomery County Municipal Utility District
 4-37 No. 227 initially includes all the territory contained in the
 4-38 following area:

4-39 Being 581.9 acres of land, more or less, located in the John
 4-40 Corner Survey, Abstract 8, Thomas Chatham Survey, Abstract 127, and
 4-41 the Raleigh Rogers Survey, Abstract 33, C. B. Stewart Survey,
 4-42 Abstract 479, and the William W. Shepperd Survey, Abstract 480,
 4-43 Montgomery County, Texas, out of land conveyed to Homeplace Lands,
 4-44 LLC, as recorded under Clerk's File No. 2012125424 of the Official
 4-45 Public Records of Real Property, Montgomery County, Texas,
 4-46 (O.P.R.M.C.), being comprised of three (3) tracts as described
 4-47 below; said 581.9 acres, more or less, being more particularly
 4-48 described as follows, with all bearings referenced to the Texas
 4-49 Coordinate System, Central Zone, NAD83 (NA2011) Epoch 2010.00:

4-50 TRACT 1: 11.9 Acres

4-51 BEGINNING at a westerly corner of Hilltop Ranch, Section 1, a
 4-52 plat as recorded in Cabinet "O", Sheet 138, of the Montgomery County
 4-53 Map Records (M.C.M.R.), lying in an easterly right-of-way line of
 4-54 FM 2854 (width varies), and a northerly line of land conveyed to
 4-55 Homeplace Lands, LLC, as recorded under Clerk's File
 4-56 No. 2012125424, of the O.P.R.M.C.;

4-57 THENCE EASTERLY approximately 498 feet, more or less, with
 4-58 and adjoining a westerly line of said Hilltop Ranch, Section 1, to
 4-59 the northeast corner of the herein described tract;

4-60 THENCE SOUTHERLY approximately 1,208 feet, more or less, with
 4-61 and adjoining said westerly line of said Hilltop Ranch, Section 1,
 4-62 to the southeast corner of the herein described tract, lying in the
 4-63 common Extra Territorial Jurisdiction (ETJ) line of the City of
 4-64 Conroe and the City of Montgomery, Texas;

4-65 THENCE SOUTHWESTERLY approximately 201 feet, more or less,
 4-66 along a curve to the right, with and adjoining said common City of
 4-67 Conroe and City of Montgomery ETJ line, to the southwest corner of
 4-68 the herein described tract, lying in said easterly line of FM 2854;

4-69 THENCE NORTHERLY approximately 1,333 feet, more or less, with

5-1 and adjoining said easterly right-of-way line of F.M. 2854, to the
 5-2 POINT OF BEGINNING, and containing approximately 11.9 acres of
 5-3 land. This document was prepared under 22 Texas Administrative Code
 5-4 §138.95, does not reflect the results of an on the ground survey,
 5-5 and is not to be used to convey or establish interests in real
 5-6 property except those rights and interests implied or established
 5-7 by the creation or reconfiguration of the boundary of the political
 5-8 subdivision for which it was prepared.

5-9 TRACT 2: 370 Acres

5-10 Being 370 acres of land out of the John Corner Survey,
 5-11 Abstract 8, William W. Shepperd Survey, A-480, C. B. Stewart
 5-12 Survey, Abstract 479, Thomas Chatham Survey, A-127, and the Raleigh
 5-13 Rogers Survey, A-33, Montgomery County, Texas:

5-14 Beginning at the northwest corner of a 60 foot by 60 foot
 5-15 cemetery, as defined under Clerk's File No. 2011113416 of the
 5-16 Official Public Records Montgomery County, Texas (O.P.R.M.C.),
 5-17 lying in an easterly right-of-way line of FM 149, and being a
 5-18 westerly corner of land described under Clerks File No. 2012125424
 5-19 of the O.P.R.M.C.;

5-20 THENCE NORTHERLY approximately 492 feet, more or less, with
 5-21 and adjoining said easterly right-of-way line of F.M. 149, to the
 5-22 northwest corner of the herein described tract, lying in a
 5-23 southerly City of Montgomery, City Limit line;

5-24 THENCE EASTERLY approximately 2,028 feet, more or less, with
 5-25 and adjoining a said southerly City Limit line, to a southerly line
 5-26 of a 14.755 acre tract as defined under Clerk's File No. 2018119879
 5-27 of the O.P.R.M.C., for a northerly corner of the herein described
 5-28 tract;

5-29 THENCE SOUTHEASTERLY approximately 151 feet, more or less,
 5-30 with and adjoining said southerly line of the 14.755 acre tract, to
 5-31 a northerly corner of the herein described tract;

5-32 THENCE NORTHEASTERLY approximately 50 feet, more or less,
 5-33 with and adjoining said southerly line of the 14.755 acre tract, to
 5-34 a northerly corner of the herein described tract, lying in said
 5-35 southerly City Limit line;

5-36 THENCE EASTERLY approximately 3,448 feet, more or less, with
 5-37 and adjoining said southerly City Limit line, to a northerly corner
 5-38 of the herein described tract;

5-39 THENCE NORTHERLY approximately 3,346 feet, more or less, with
 5-40 and adjoining said southerly City Limit line, to a northerly corner
 5-41 of the herein described tract;

5-42 THENCE EASTERLY approximately 806 feet, more or less, with
 5-43 and adjoining said southerly City Limit line, to the northeast
 5-44 corner of the herein described tract, lying in a westerly
 5-45 right-of-way line of FM 2854;

5-46 THENCE SOUTHERLY approximately 5,500 feet, more or less, with
 5-47 and adjoining said westerly right-of-way line of FM 2854, to the
 5-48 southeast corner of the herein described tract, also being the
 5-49 northeast corner of a 22.178 acre tract as recorded under Clerk's
 5-50 File No. 2018119879 of the O.P.R.M.C.;

5-51 THENCE WESTERLY approximately 1,148 feet, more or less, with
 5-52 and adjoining the northerly line of said 22.178 acre tract, to a
 5-53 southerly corner of the herein described tract;

5-54 THENCE SOUTHERLY approximately 662 feet, more or less, with
 5-55 and adjoining the westerly line of said 22.178 acre tract, to a
 5-56 southerly corner of the herein described tract, lying in a common
 5-57 Extra Territorial Jurisdiction (ETJ) line of the City of Conroe and
 5-58 the City of Montgomery, Texas;

5-59 THENCE WESTERLY approximately 2,377 feet, more or less, with
 5-60 and adjoining said common ETJ line, to a southerly corner of the
 5-61 herein described tract;

5-62 THENCE SOUTHERLY approximately 3,273 feet, more or less, with
 5-63 and adjoining said common ETJ line, to the most southerly corner of
 5-64 the herein described tract, lying in the north easterly
 5-65 right-of-way line of the BN & SF Railroad;

5-66 THENCE NORTHWESTERLY approximately 1,034 feet, more or less,
 5-67 with and adjoining said northeasterly right-of-way line of the BN &
 5-68 SF Railroad, to a westerly corner of the herein described tract;

5-69 THENCE NORTHWESTERLY approximately 71 feet, more or less to a

6-1 southerly corner of Shannon Place, a plat as recorded in Cabinet
6-2 "D", Sheet 160-A, of the Montgomery County Map Records (M.C.M.R.);

6-3 THENCE NORTHERLY approximately 4,046 feet, more or less, with
6-4 and adjoining the easterly line of said Shannon Place, to the
6-5 northeast corner of said plat, lying in a southerly line of the C.
6-6 B. Stewart Survey, A-479, as shown on said plat;

6-7 THENCE WESTERLY approximately 1,628 feet, more or less, with
6-8 and adjoining the northerly line of said Shannon Place, to a
6-9 westerly corner of the herein described tract;

6-10 THENCE NORTHERLY approximately 1,120 feet, more or less, with
6-11 and adjoining a northerly line of said Shannon Place and an easterly
6-12 line of a 10.59 acre tract as recorded under Clerk's File
6-13 No. 2011113416 of the O.P.R.M.C., to a westerly corner of the
6-14 herein described tract;

6-15 THENCE WESTERLY approximately 438 feet, more or less, with
6-16 and adjoining the northerly line of said 10.59 acre tract and said
6-17 cemetery tract, to the POINT OF BEGINNING, and containing
6-18 approximately 370 acres of land. This document was prepared under
6-19 22 Texas Administrative Code §138.95, does not reflect the results
6-20 of an on the ground survey, and is not to be used to convey or
6-21 establish interests in real property except those rights and
6-22 interests implied or established by the creation or reconfiguration
6-23 of the boundary of the political subdivision for which it was
6-24 prepared.

6-25 TRACT 3: 180 Acres

6-26 Being 180 acres of land out of the Raleigh Rogers Survey,
6-27 A-33, Montgomery County, Texas:

6-28 BEGINNING at a southwest corner of a 23.362 acre tract, as
6-29 described in a deed recorded under Clerk's File No. 2006-104958 of
6-30 the Official Public Records of Real Property Montgomery County,
6-31 Texas (O.P.R.R.P.M.C.), lying in the easterly right-of-way line of
6-32 F.M. 149, and being a westerly corner of land described under Clerks
6-33 File No. 2012125424 of the Official Public Records Montgomery
6-34 County, Texas (O.P.R.M.C.);

6-35 THENCE EASTERLY approximately 1,669 feet, more or less, with
6-36 and adjoining a southerly line of said 23.362 acre tract, also being
6-37 a southerly line of the Montgomery 149, LLC tract as recorded under
6-38 Clerk's File No. 2018058916 of the O.P.R.M.C., to a westerly
6-39 interior corner of the herein described tract;

6-40 THENCE NORTHERLY approximately 2,151 feet, more or less, with
6-41 and adjoining the easterly line of said Montgomery 149, LLC tract to
6-42 an easterly interior corner of said Montgomery 149, LLC tract, also
6-43 being a northerly corner of the herein described tract;

6-44 THENCE EASTERLY approximately 302 feet, more or less, with
6-45 and adjoining said Montgomery 149, LLC tract, to the northeast
6-46 corner of the herein described tract, lying in a southwesterly
6-47 right-of-way line of the BN & SF Railroad;

6-48 THENCE SOUTHEASTERLY approximately 918 feet, more or less,
6-49 with and adjoining a southwesterly right-of-way line of the BN & SF
6-50 Railroad, to an easterly corner of the herein described tract,
6-51 lying in the common Extra Territorial Jurisdiction (ETJ) line of
6-52 the City of Conroe and the City of Montgomery, Texas;

6-53 THENCE SOUTHERLY approximately 3,811 feet, more or less, with
6-54 and adjoining said common ETJ line, to the southeast corner of the
6-55 herein described tract, lying in a northerly line of land as
6-56 described in a warranty deed to Earle T. McCants and Edward W.
6-57 McCants as recorded under Clerk's File No. 99002183 of the
6-58 O.P.R.R.P.M.C.;

6-59 THENCE WESTERLY approximately 2,561 feet, more or less, with
6-60 and adjoining said northerly line of Earle T. McCants and Edward W.
6-61 McCants tract, to the southwest corner of the herein described
6-62 tract, lying in said easterly right-of-way line of FM 149;

6-63 THENCE NORTHERLY approximately 2,391 feet, more or less, with
6-64 and adjoining said easterly right-of-way line of FM 149, to the
6-65 POINT OF BEGINNING, and containing approximately 180 acres. This
6-66 document was prepared under 22 Texas Administrative Code §138.95,
6-67 does not reflect the results of an on the ground survey, and is not
6-68 to be used to convey or establish interests in real property except
6-69 those rights and interests implied or established by the creation

7-1 or reconfiguration of the boundary of the political subdivision for
7-2 which it was prepared.

7-3 SECTION 3. (a) The legal notice of the intention to
7-4 introduce this Act, setting forth the general substance of this
7-5 Act, has been published as provided by law, and the notice and a
7-6 copy of this Act have been furnished to all persons, agencies,
7-7 officials, or entities to which they are required to be furnished
7-8 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
7-9 Government Code.

7-10 (b) The governor, one of the required recipients, has
7-11 submitted the notice and Act to the Texas Commission on
7-12 Environmental Quality.

7-13 (c) The Texas Commission on Environmental Quality has filed
7-14 its recommendations relating to this Act with the governor, the
7-15 lieutenant governor, and the speaker of the house of
7-16 representatives within the required time.

7-17 (d) All requirements of the constitution and laws of this
7-18 state and the rules and procedures of the legislature with respect
7-19 to the notice, introduction, and passage of this Act are fulfilled
7-20 and accomplished.

7-21 SECTION 4. (a) If this Act does not receive a two-thirds
7-22 vote of all the members elected to each house, Subchapter C, Chapter
7-23 7921A, Special District Local Laws Code, as added by Section 1 of
7-24 this Act, is amended by adding Section 7921A.0307 to read as
7-25 follows:

7-26 Sec. 7921A.0307. NO EMINENT DOMAIN POWER. The district may
7-27 not exercise the power of eminent domain.

7-28 (b) This section is not intended to be an expression of a
7-29 legislative interpretation of the requirements of Section 17(c),
7-30 Article I, Texas Constitution.

7-31 SECTION 5. This Act takes effect immediately if it receives
7-32 a vote of two-thirds of all the members elected to each house, as
7-33 provided by Section 39, Article III, Texas Constitution. If this
7-34 Act does not receive the vote necessary for immediate effect, this
7-35 Act takes effect September 1, 2023.

7-36

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