

district money. ~~[All such funds shall, as derived and collected, be immediately deposited with such depository bank or banks except that sufficient funds shall be remitted to the bank or banks for the payment of principal of and interest on the outstanding bonds of the district or other obligations assumed by it and in time that such money may be received by said bank or banks of payment on or prior to the date of maturity of such principal and interest so to be paid.]~~ To the extent that money [funds] in a [the] depository bank is ~~[or banks are]~~ not insured by the Federal Deposit Insurance Corporation, ~~the money must [they shall]~~ be secured in the manner provided by law for security of county funds. Membership on the board of directors of an officer or director of a bank shall not disqualify such bank from being designated as a depository.

(b) *The board may invest operating, depreciation, or building reserves only in funds or securities specified by Chapter 2256, Government Code.*

SECTION 6. Section 13, Chapter 182, Acts of the 60th Legislature, Regular Session, 1967, is amended to read as follows:

Sec. 13. METHODS AND PROCEDURES; CONSTRUCTION CONTRACTS. (a) The board may prescribe the method of making purchases and expenditures by and for the district.

(b) The board may prescribe accounting and control procedures for the district.

(c) The board may enter into purchase or construction contracts on behalf of the district; however, the board may enter into construction ~~[or purchase]~~ contracts that involve spending more than *the amount provided by Section 271.024, Local Government Code, [\$10,000]* only after advertising as provided by *Subchapter B, Chapter 271 [Chapter 252], Local Government Code.*

(d) *Chapter 2253, Government Code [Article 5160, Revised Statutes],* applies to construction contracts let by the district.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

Passed by the House on March 30, 2011: Yeas 146, Nays 0, 1 present, not voting;
passed by the Senate on May 25, 2011: Yeas 31, Nays 0.

Approved June 17, 2011.

Effective June 17, 2011.

CHAPTER 728

H.B. No. 886

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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 8318 to read as follows:

CHAPTER 8318. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 528

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8318.001. DEFINITIONS. *In this chapter:*

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.

(3) “Director” means a board member.

(4) “District” means the Harris County Municipal Utility District No. 528.

Sec. 8318.002. *NATURE OF DISTRICT.* The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8318.003. *CONFIRMATION AND DIRECTORS’ ELECTION REQUIRED.* The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8318.004. *CONSENT OF MUNICIPALITY REQUIRED.* The temporary directors may not hold an election under Section 8318.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8318.005. *FINDINGS OF PUBLIC PURPOSE AND BENEFIT.* (a) The district is created to serve a public purpose and benefit.

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

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

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

Sec. 8318.006. *INITIAL DISTRICT TERRITORY.* (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

[Sections 8318.007–8318.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8318.051. *GOVERNING BODY; TERMS.* (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8318.052, directors serve staggered four-year terms.

Sec. 8318.052. *TEMPORARY DIRECTORS.* (a) On or after September 1, 2011, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8318.003; or

(2) September 1, 2015.

(c) If permanent directors have not been elected under Section 8318.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8318.003; or

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

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the

commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8318.053–8318.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8318.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8318.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8318.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8318.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

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

Sec. 8318.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution adopted by the city council of the City of Baytown.

Sec. 8318.106. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

- (1) a road project authorized by Section 8318.103; or*
- (2) a recreational facility as defined by Section 49.462, Water Code.*

[Sections 8318.107–8318.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8318.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or*
- (2) contract payments described by Section 8318.153.*

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

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

Sec. 8318.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8318.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 8318.153. **CONTRACT TAXES.** (a) *In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.*

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

[Sections 8318.154–8318.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8318.201. **AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS.** *The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.*

Sec. 8318.202. **TAXES FOR BONDS.** *At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.*

Sec. 8318.203. **BONDS FOR ROAD PROJECTS.** *At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.*

SECTION 2. The Harris County Municipal Utility District No. 528 initially includes all the territory contained in the following area:

TRACT 1

FIELD NOTES of a 27.8347 acre tract of land situated in the William Scott Lower league, Abstract No. 65, Harris County, Texas, and being out of and a part of a 1541 acre tract of land conveyed to Ashbel Smith Land Company by B. W. Armstrong, et al, by Deed dated November 29, 1935, and recorded in Volume 996 at Page 379 of the Deed Records of Harris County, Texas. This 27.8347 acre tract of land is more particularly described by metes and bounds as follows, to-wit:

NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 0.9998389.

BEGINNING at a concrete right-of-way monument found at the intersection of the North right-of-way line of Spur 55 (right-of-way width varies) and the East right-of-way line of State Highway 146 (right-of-way width varies). Said point being Westernmost Southwest corner and POINT OF BEGINNING of this tract and having a State Plane Coordinate Value of N=13,832,328.10 and E=3,250,340.20. Said point being in a curve to the left, concave Westerly.

THENCE: Along and around said curve to the left, in a Northerly direction, along the West line of this tract and the East right-of-way line of said State Highway No. 146, said curve having a central angle of 15°57'18", a radius of 1629.82 feet, and a chord bearing and distance of North 23°06'38" East 452.39 feet, for an arc length of 453.85 feet to a concrete right-of-way monument found for the TERMINATION POINT of said curve.

THENCE: North 10°06'20" East along the West line of this tract and the East right-of-way line of said State Highway No. 146, for a distance of 97.12 feet to a 1/2 inch iron rod, with cap, set for the Northwest corner of this tract and the Southwest corner of that certain 33.00 acre tract of land conveyed by Ashbel Smith Management Company, et al, to Goose Creek

Consolidated Independent School District by Deed dated June 5, 1991 and recorded under County Clerk's File No. N174232 of the Official Public Records of Real Property of Harris County, Texas.

THENCE: South 73°11'36" East along the North line of this tract and the South line of said 33.00 acre tract for a distance of 1795.57 feet to a 1/2 inch iron rod, with cap, set in the West right-of-way line of Tri-Cities Beach Road (80 feet wide right-of-way) for the Southeast corner of said 33.00 acres and the Northeast corner of this tract.

THENCE: South 08°04'39" East along the Northernmost East line of this tract and the West right-of-way line of said Tri-Cities Beach Road for a distance of 572.67 feet to a 1/2 inch iron rod, with cap, set for the Easternmost Southeast corner of this tract at the intersection of the West right-of-way line of Tri-Cities Beach Road with the North right-of-way line of said Spur 55.

THENCE: South 49°20'06" West along the Southernmost East line of this tract and the North right-of-way line of said Spur 55 for a distance of 104.30 feet to 1/2 inch iron rod, with cap, set for the Southernmost Southeast corner of this tract and an angle point in the North right-of-way line of said Spur 55.

THENCE: North 73°15'09" West along the South line of this tract and the North right-of-way line of said Spur 55 for a distance of 118.36 feet to a 1/2 inch iron rod, with cap, set for an angle point in said line.

THENCE: North 74°30'59" West along the South line of this tract and the North right-of-way line of said Spur 55 for a distance of 1813.52 feet to a 1/2 inch iron rod, with cap, set for the Southernmost Southwest corner of this tract and an angle point in the North right-of-way line of said Spur 55.

THENCE: North 23°25'09" West along the Southernmost West line of this tract and the North right-of-way line of said Spur 55 for a distance of 135.34 feet to the PLACE OF BEGINNING and containing within these boundaries 27.8347 acres of land.

TRACT 2

FIELD NOTES of a 28.5456 acre tract of land situated in the William Scott Lower league, Abstract No. 65, Harris County, Texas, and being out of and a part of a 1541 acre tract of land conveyed to Ashbel Smith Land Company by B. W. Armstrong, et al, by Deed dated November 29, 1935, and recorded in Volume 996 at Page 379 of the Deed Records of Harris County, Texas. This 28.5456 acre tract of land is more particularly described by metes and bounds as follows, to-wit:

NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 0.9998389.

BEGINNING at a 1/2 inch iron rod, with cap, set at the intersection of the Northwest right-of-way line of State Highway No. 146 (200 feet wide right-of-way) with the East right-of-way of the Missouri Pacific Railroad (Parcel No. 1 containing 3.66104 acres conveyed by Ashbel Smith Land Company to Missouri Pacific Railroad Company by Deed dated January 9, 1967 and recorded in Volume 6644 at Page 486 of the Deed Records of Harris County, Texas). Said point being the Southwest corner and POINT OF BEGINNING of this tract and having a State Plane Coordinate Value of N=13,831,254.86 and E=3,248,223.73.

THENCE: North 24°15'03" West along the Southernmost West line of this tract and the East right-of-way line of said Missouri Pacific Railroad for a distance of 540.66 feet to a 1/2 inch iron, with cap, set for the BEGINNING POINT of a curve to the right, concave Easterly.

THENCE: Along and around said curve to the right, in a Northwesterly direction, along the Southernmost West line of this tract and the East right-of-way line of said Missouri Pacific Railroad, said curve having a central angle of 06°37'49", a radius of 1065.93 feet, and a chord bearing and distance of North 20°56'07" West 123.28 feet, for an arc length of 123.35 feet to a fence corner post found for an interior corner of this tract and an exterior corner of said Missouri Pacific Railroad.

THENCE: South $71^{\circ}27'32''$ West along the Westernmost South line of this tract and an exterior line of said Missouri Pacific Railroad for a distance of 30.00 feet to a fence corner post found for an exterior corner of this tract and an interior corner of said Missouri Pacific Railroad; said point being the BEGINNING POINT of a curve to the right, concave Easterly.

THENCE: Along and around said curve to the right, in a Northerly direction, along the Northernmost West line of this tract and the East right-of-way line of said Missouri Pacific Railroad, said curve having a central angle of $17^{\circ}22'22''$, a radius of 1095.93 feet, and a chord bearing of North $08^{\circ}57'32''$ West 331.03 feet, for an arc length of 332.30 feet to a 1/2 inch iron rod, with cap, set for the TERMINATION POINT of said curve.

THENCE: North $00^{\circ}22'43''$ West along the Northernmost West line of this tract and the East right-of-way line of said Missouri Pacific Railroad for a distance of 164.82 feet to a fence corner post found at the intersection of said line with the South right-of-way line of Alexander Drive (120 feet wide right-of-way) for the Northwest corner of this tract.

THENCE: South $88^{\circ}36'31''$ East along the South right-of-way line of South Alexander Drive and the North line of this tract for a distance of 742.80 feet to a concrete right-of-way monument found for an angle point in said line.

THENCE: South $88^{\circ}51'51''$ East along the South right-of-way line of South Alexander Drive and the North line of this tract for a distance of 648.31 feet to a concrete right-of-way monument found for the BEGINNING POINT of a curve to the right, concave Southerly.

THENCE: Along and around said curve to the right, along the North line of this tract and the South right-of-way line of said South Alexander Drive, in an Easterly direction, said curve having a central angle of $07^{\circ}23'27''$, a radius of 2804.76 feet, and a chord bearing and distance of South $84^{\circ}50'16''$ East 361.55 feet, for an arc length of 361.80 feet to a 1/2 inch iron rod, with cap, set for the Northeast corner of this tract at the intersection of the South right-of-way line of South Alexander Drive with a West right-of-way line of State Highway No. 146.

THENCE: South $18^{\circ}20'49''$ East along the East line of this tract and a West right-of-way line of said State Highway No. 146, for a distance of 156.45 feet to a 1/2 inch iron rod, with cap, set for the Southeast corner of this tract and an interior corner of said State Highway No. 146 right-of-way. Said point being in a curve to the right, concave Northerly.

THENCE: Along and around said curve to the right, in a Westerly direction, along the South line of this tract and the North right-of-way line of said State Highway No. 146, said curve having a central angle of $07^{\circ}12'01''$, a chord bearing and distance of South $48^{\circ}00'47''$ West 476.69 feet, for an arc length of 477.00 feet to a 1/2 inch iron rod, with cap, set for the TERMINATION POINT of said curve.

THENCE: South $59^{\circ}19'20''$ West along the South line of this tract and the North right-of-way line of said State Highway No. 146 for a distance of 478.02 feet to a 1/2 inch iron rod, with cap, set for an angle point in said line.

THENCE: South $65^{\circ}20'11''$ West along the South line of this tract and the North right-of-way line of said State Highway No. 146 for a distance of 756.46 feet to the PLACE OF BEGINNING and containing within these boundaries 28.5456 acres of land.

TRACT 3

FIELD NOTES of a 180.9042 acre tract of land situated in the William Scott Lower League, Abstract No. 65, Harris County, Texas, and being out of and a part of a 1541 acre tract of land conveyed to Ashbel Smith Land Company by B. W. Armstrong, et al, by Deed dated November 29, 1935, and recorded in Volume 996 at Page 379 of the Deed Records of Harris County, Texas. This 180.9042 acre tract of land is more particularly described by metes and bounds as follows, to-wit:

NOTE: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = 0.9998389.

COMMENCING at a 2 inch iron pipe for the Northeast corner of a 1.5116 acre tract of land called Tract 2 conveyed to Jack A. Howard, et al, by Robert O. Busch, et al, by Deed dated March 15, 1978, and recorded at County Clerk's file No. F530458 of the Official Public

Records of Real Property of Harris County, Texas, and in the South right-of-way line of State Highway No. 146, 200 foot wide right-of-way. Said COMMENCING POINT has a State Plane Coordinate Value of N=13,830,522.01 and E=3,247,084.46.

THENCE: South 16°07'47" West along the East line of said 1.5116 acres for a distance of 677.44 feet to a 2-1/2 inch metal post for the Northwest corner and POINT OF BEGINNING of this tract.

THENCE: South 89°15'51" East along the North line of this tract for a distance of 1329.80 feet to a point for the Northeast corner of this tract.

THENCE: South 00°44'09" West along the East line of this tract for a distance of 2982.46 feet to a point for an angle point in said East line.

THENCE: South 19°20'00" West along the East line of this tract for a distance of 1000.68 feet to a point for an angle point in said East line.

THENCE: South 31°08'04" West along the East line of this tract for a distance of 908.34 feet to a point in the North right-of-way line of Evergreen Road (60 feet wide right-of-way) for the Southeast corner of this tract.

THENCE: North 58°51'56" West along the Easternmost South line of this tract and the North right-of-way line of Evergreen Road for a distance of 409.49 feet to a 1/2 inch iron rod, with cap, for the BEGINNING POINT of a curve to the right, concave Northeast.

THENCE: Along and around said curve, in a Northwesterly direction, with the Easternmost South line of this tract of land and the Northeast right-of-way line of Evergreen Road, said curve having a central angle of 15°59'48", a radius of 789.20 feet, and a chord bearing and distance of North 50°50'40" West 219.63 feet, for an arc length of 220.34 feet to a 1/2 inch iron rod for the TERMINATION POINT of said curve.

THENCE: North 42°52'16" West along the Easternmost South line of this tract of land and the Northeast right-of-way line of Evergreen Road for a distance of 685.33 feet to a 1/2 inch iron rod for the BEGINNING POINT of a curve to the left, concave Southwest.

THENCE: Along and around said curve to the left, in a Northerly direction, with the Easternmost South line of this tract of land and the Northeast right-of-way line of Evergreen Road, said curve having a central angle of 03°08'33", a radius of 6814.28 feet, and a chord bearing and distance of North 44°27'42" West 373.68 feet, for an arc length of 373.73 feet, to a 1/2 inch iron rod for the TERMINATION POINT of said curve.

THENCE: North 46°00'58" West along the Easternmost South line of this tract of land and the Northeast right-of-way line of Evergreen Road for a distance of 531.26 feet to a 1/2 inch iron rod, with cap, for the Southernmost Southwest corner of this tract of land and the Southeast corner of an 80 acre tract of land conveyed to Bill W. Nance by Alvie Wright Nance, by Deed dated October 22, 1996, and recorded under County Clerk's File No. S210455 of the Official Public Records of Real Property of Harris County, Texas.

THENCE: North 50°36'12" East along the Southernmost West line of this tract of land and the East line of said 80 acre tract of land, and at 2.37 feet pass a 4 inch pipe fence corner post, continuing along said line and a barb wire fence a total distance of 536.04 feet to a 2 inch iron pipe for an interior corner of this tract of land and an angle corner of said 80 acre tract of land.

THENCE: North 54°45'13" West along the Westernmost South line of this tract and an exterior line of said 80 acre tract, and along a barb wire fence, for a distance of 293.16 feet to a 1/2 inch iron rod, with cap, for the Westernmost Southwest corner of this tract.

THENCE: In a Northerly direction along the Northernmost West line of this tract of land and the East line of said 80 acre tract of land, and a barb wire fence line the following courses and distances:

North 16°15'01" East for a distance of 1171.99 feet to a 2 inch iron pipe;

North 43°11'17" East for a distance of 341.17 feet to a 2 inch iron pipe;

North 18°00'45" East for a distance of 481.29 feet to a 1/2 inch iron rod, with cap;

North 15°59'25" East for a distance of 927.59 feet to the PLACE OF BEGINNING and containing within these boundaries 180.9042 acres of land.

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

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

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

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

SECTION 4. (a) Section 8318.106, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8318, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8318.106 to read as follows:

Sec. 8318.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5. Except as provided by Section 4 of this Act, this Act takes effect September 1, 2011.

Passed by the House on April 7, 2011: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2011: Yeas 31, Nays 0.

Approved June 17, 2011.

Effective September 1, 2011.

CHAPTER 729

H.B. No. 890

AN ACT

relating to certain custom vehicles and street rods.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 501, Transportation Code, is amended by adding Section 501.038 to read as follows:

Sec. 501.038. CERTIFICATE OF TITLE FOR CUSTOM VEHICLE OR STREET ROD.

(a) *In this section, "custom vehicle" and "street rod" have the meanings assigned by Section 504.501.*

(b) *Notwithstanding any other provision of this chapter, if the department issues a certificate of title for a custom vehicle or street rod, the model year and make of the vehicle must be listed on the certificate of title and must be the model year and make that the body of the vehicle resembles. The certificate of title must also include the word "replica."*

(c) *The owner of the custom vehicle or street rod shall provide the department with documentation identifying the model year and make that the body of the vehicle resembles.*

SECTION 2. The heading to Section 504.501, Transportation Code, as effective September 1, 2011, is amended to read as follows: