

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 24, 2015

The Honorable Joe Straus
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 1111, as Filed by Representative Marsha Farney - Relating to the powers and duties of the Williamson County Municipal Utility District No. 23; providing authority to issue bonds; providing authority to impose fees and taxes

Dear Speaker Straus:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

The bill codifies Williamson County Municipal Utility District No. 23 (the "District") as a municipal utility district operating under Chapters 49 and 54 of the Water Code under Chapter 8500 in the Special District Local Laws Code. The bill also: grants the District road powers; and validates and confirms all previous governmental acts and proceedings of the District that were taken, unless that matter is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

Sincerely,


Linda Brookins, Director
Water Supply Division

cc: Honorable Doug Miller, Chairman, House Committee on Special Purpose Districts
Representative Marsha Farney, Texas House of Representatives

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 1111

Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

2/9/2015

Date transmitted to
Governor's Office


Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

3.3.2015

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality



By: Farney

H.B. No. 1111

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers and duties of the Williamson County
3 Municipal Utility District No. 23; providing authority to issue
4 bonds; providing authority to impose fees and taxes.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 8500 to read as follows:

8 CHAPTER 8500. WILLIAMSON COUNTY MUNICIPAL

9 UTILITY DISTRICT NO. 23

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8500.001. DEFINITION. In this chapter, "district"
12 means the Williamson County Municipal Utility District No. 23.

13 Sec. 8500.002. NATURE AND PURPOSES OF DISTRICT. (a) The
14 district is a municipal utility district created under Section 59,
15 Article XVI, Texas Constitution.

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

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

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

23 SUBCHAPTER B. POWERS AND DUTIES

24 Sec. 8500.051. GENERAL POWERS AND DUTIES. The district has

1 the powers and duties necessary to accomplish the purposes for
2 which the district is created.

3 Sec. 8500.052. MUNICIPAL UTILITY DISTRICT POWERS AND
4 DUTIES. The district has the powers and duties provided by the
5 general law of this state, including Chapters 49 and 54, Water Code,
6 applicable to municipal utility districts created under Section 59,
7 Article XVI, Texas Constitution.

8 Sec. 8500.053. AUTHORITY FOR ROAD PROJECTS. Under Section
9 52, Article III, Texas Constitution, the district may design,
10 acquire, construct, finance, issue bonds for, improve, operate,
11 maintain, and convey to this state, a county, or a municipality for
12 operation and maintenance macadamized, graveled, or paved roads, or
13 improvements, including storm drainage, in aid of those roads.

14 Sec. 8500.054. ROAD STANDARDS AND REQUIREMENTS. (a) A road
15 project must meet all applicable construction standards, zoning and
16 subdivision requirements, and regulations of each municipality in
17 whose corporate limits or extraterritorial jurisdiction the road
18 project is located.

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

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

1 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2 Sec. 8500.101. AUTHORITY TO ISSUE BONDS AND OTHER
3 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
4 other obligations payable wholly or partly from ad valorem taxes,
5 impact fees, revenue, contract payments, grants, or other district
6 money, or any combination of those sources, to pay for a road
7 project authorized by Section 8500.053.

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

12 (c) At the time of issuance, the total principal amount of
13 bonds or other obligations issued or incurred to finance road
14 projects and payable from ad valorem taxes may not exceed
15 one-fourth of the assessed value of the real property in the
16 district.

17 Sec. 8500.102. TAXES FOR BONDS. At the time the district
18 issues bonds payable wholly or partly from ad valorem taxes, the
19 board of directors of the district shall provide for the annual
20 imposition of a continuing direct ad valorem tax, without limit as
21 to rate or amount, while all or part of the bonds are outstanding as
22 required and in the manner provided by Sections 54.601 and 54.602,
23 Water Code.

24 SECTION 2. The Williamson County Municipal Utility District
25 No. 23 retains all rights, powers, privileges, authority, duties,
26 and functions that it had before the effective date of this Act.

27 SECTION 3. (a) The legislature validates and confirms all

1 governmental acts and proceedings of the Williamson County
2 Municipal Utility District No. 23 that were taken before the
3 effective date of this Act.

4 (b) This section does not apply to any matter that on the
5 effective date of this Act:

6 (1) is involved in litigation if the litigation
7 ultimately results in the matter being held invalid by a final court
8 judgment; or

9 (2) has been held invalid by a final court judgment.

10 SECTION 4. (a) The legal notice of the intention to
11 introduce this Act, setting forth the general substance of this
12 Act, has been published as provided by law, and the notice and a
13 copy of this Act have been furnished to all persons, agencies,
14 officials, or entities to which they are required to be furnished
15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
16 Government Code.

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

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

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

H.B. No. 1111

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2015.

Affidavit of Publisher to Publication of Legal Notice

IN THE MATTER OF THE
Sanford Kuhl Hagan Kagle Parker Kas
Notice of Intent to Introduce Bill
Williamson County MUD No. 23
THE STATE OF TEXAS,

County of WILLIAMSON }

The Williamson County Sun / Sunday Sun

newspapers of general circulation have been continuously and regularly published for a
than one year in the County of WILLIAMSON, Texas,)

attached notice. Said notice was published in said paper as follows:

First insertion 14th day of December

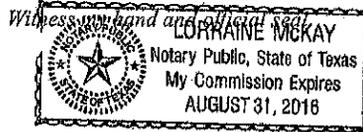
Second insertion _____ day of _____

Third insertion _____ day of _____

Fourth insertion _____ day of _____

Rose
News

Subscribed and sworn to before me, this 16th day of December



Lorraine M
Lorraine McKay
Notary Public

