

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) 1236, as Filed by Representative Phil King - Relating to the powers and duties of the Morningstar Ranch Municipal Utility District Nos. 1 and 2 of Parker County; 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 Morningstar Ranch Municipal Utility District Nos. 1 and 2 of Parker County as municipal utility districts operating under Chapters 49 and 54 of the Water Code under Chapters 8490 and 8491, respectively, in the Special District Local Laws Code. The bill also grants both districts road powers.

Sincerely,


Linda Brookins, Director
Water Supply Division

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

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 1236

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

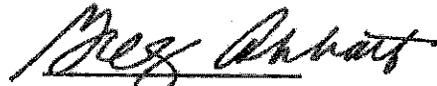

Chief Clerk
House of Representatives

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



84R HB 01236

By: King of Parker

H.B. No. 1236

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the powers and duties of the Morningstar Ranch
3 Municipal Utility Districts Nos. 1 and 2 of Parker County;
4 providing authority to issue bonds; providing authority to impose
5 fees and taxes.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 8490 to read as follows:

9 CHAPTER 8490. MORNINGSTAR RANCH MUNICIPAL UTILITY DISTRICT NO. 1

10 OF PARKER COUNTY

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 8490.001. DEFINITION. In this chapter, "district"
13 means the Morningstar Ranch Municipal Utility District No. 1 of
14 Parker County.

15 Sec. 8490.002. NATURE AND PURPOSES OF DISTRICT. (a) The
16 district is a municipal utility district created under Section 59,
17 Article XVI, Texas Constitution.

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

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

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

1 SUBCHAPTER B. POWERS AND DUTIES

2 Sec. 8490.051. GENERAL POWERS AND DUTIES. The district has
3 the powers and duties necessary to accomplish the purposes for
4 which the district is created.

5 Sec. 8490.052. MUNICIPAL UTILITY DISTRICT POWERS AND
6 DUTIES. The district has the powers and duties provided by the
7 general law of this state, including Chapters 49 and 54, Water Code,
8 applicable to municipal utility districts created under Section 59,
9 Article XVI, Texas Constitution.

10 Sec. 8490.053. AUTHORITY FOR ROAD PROJECTS. Under Section
11 52, Article III, Texas Constitution, the district may design,
12 acquire, construct, finance, issue bonds for, improve, operate,
13 maintain, and convey to this state, a county, or a municipality for
14 operation and maintenance macadamized, graveled, or paved roads, or
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 8490.054. ROAD STANDARDS AND REQUIREMENTS. (a) A road
17 project must meet all applicable construction standards, zoning and
18 subdivision requirements, and regulations of each municipality in
19 whose corporate limits or extraterritorial jurisdiction the road
20 project is located.

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

26 (c) If the state will maintain and operate the road, the
27 Texas Transportation Commission must approve the plans and

1 specifications of the road project.

2 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

3 Sec. 8490.101. AUTHORITY TO ISSUE BONDS AND OTHER
4 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
5 other obligations payable wholly or partly from ad valorem taxes,
6 revenue, contract payments, grants, or other district money, or any
7 combination of those sources, to pay for a road project authorized
8 by Section 8490.053.

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

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

18 Sec. 8490.102. TAXES FOR BONDS. At the time the district
19 issues bonds payable wholly or partly from ad valorem taxes, the
20 district shall provide for the annual imposition of a continuing
21 direct ad valorem tax, without limit as to rate or amount, while all
22 or part of the bonds are outstanding as required and in the manner
23 provided by Sections 54.601 and 54.602, Water Code.

24 SECTION 2. Subtitle F, Title 6, Special District Local Laws
25 Code, is amended by adding Chapter 8491 to read as follows:

1 CHAPTER 8491. MORNINGSTAR RANCH MUNICIPAL UTILITY DISTRICT NO. 2

2 OF PARKER COUNTY

3 SUBCHAPTER A. GENERAL PROVISIONS

4 Sec. 8491.001. DEFINITION. In this chapter, "district"
5 means the Morningstar Ranch Municipal Utility District No. 2 of
6 Parker County.

7 Sec. 8491.002. NATURE AND PURPOSES OF DISTRICT. (a) The
8 district is a municipal utility district created under Section 59,
9 Article XVI, Texas Constitution.

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

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

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

17 SUBCHAPTER B. POWERS AND DUTIES

18 Sec. 8491.051. GENERAL POWERS AND DUTIES. The district has
19 the powers and duties necessary to accomplish the purposes for
20 which the district is created.

21 Sec. 8491.052. MUNICIPAL UTILITY DISTRICT POWERS AND
22 DUTIES. The district has the powers and duties provided by the
23 general law of this state, including Chapters 49 and 54, Water Code,
24 applicable to municipal utility districts created under Section 59,
25 Article XVI, Texas Constitution.

26 Sec. 8491.053. AUTHORITY FOR ROAD PROJECTS. Under Section
27 52, Article III, Texas Constitution, the district may design,

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2 maintain, and convey to this state, a county, or a municipality for
3 operation and maintenance macadamized, graveled, or paved roads, or
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7 subdivision requirements, and regulations of each municipality in
8 whose corporate limits or extraterritorial jurisdiction the road
9 project is located.

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11 or extraterritorial jurisdiction of a municipality, the road
12 project must meet all applicable construction standards,
13 subdivision requirements, and regulations of each county in which
14 the road project is located.

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

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20 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
21 other obligations payable wholly or partly from ad valorem taxes,
22 revenue, contract payments, grants, or other district money, or any
23 combination of those sources, to pay for a road project authorized
24 by Section 8491.053.

25 (b) The district may not issue bonds payable from ad valorem
26 taxes to finance a road project unless the issuance is approved by a
27 vote of a two-thirds majority of the district voters voting at an

1 election held for that purpose.

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

7 Sec. 8491.102. TAXES FOR BONDS. At the time the district
8 issues bonds payable wholly or partly from ad valorem taxes, the
9 district shall provide for the annual imposition of a continuing
10 direct ad valorem tax, without limit as to rate or amount, while all
11 or part of the bonds are outstanding as required and in the manner
12 provided by Sections 54.601 and 54.602, Water Code.

13 SECTION 3. The Morningstar Ranch Municipal Utility
14 Districts Nos. 1 and 2 of Parker County retain all rights, powers,
15 privileges, authority, duties, and functions that they had before
16 the effective date of this Act.

17 SECTION 4. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

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

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

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

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

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF PARKER

Before me, the undersigned authority, on this day personally appeared John R. Keck, who being by me duly sworn, deposes and says that he is the publisher of The Community News, and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. It devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. It is published at least once each week;
3. It is entered as second-class postal matter in the county where it is published; and
4. It has been published regularly and continuously for at least 12 months before the governmental entity or representative published notice.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date (s) to wit:

January 2, 2015



 John R. Keck
 Publisher

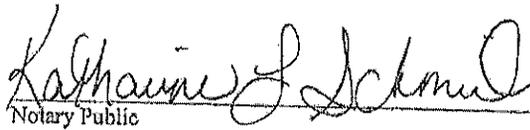
SUBSCRIBED AND SWORN BEFORE ME by John R. Keck, who

(a) is personally known to me, or

(b) Provided the following evidence to establish his/ her identity,

On this the 3rd day of January, 2015 to certify which witness my hand and seal of office.





 Notary Public

Classifieds

68

JANUARY 2, 2015
 THE COMMUNITY NEWS
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NOTICE OF INTENT TO INTRODUCE A BILL

Pursuant to the Constitution and laws of the State of Texas, notice is hereby given of the intention to apply to the 84th Legislature of the State of Texas at its regular session in Austin, Texas for the introduction of a bill, the substance of the contemplated law being as follows:

An Act relating to the powers and duties of the Morningstar Ranch Municipal Utility District No. 1 of Parker County; providing authority to impose a tax and issue bonds.

The Act proposes to authorize the District to provide for the construction, maintenance and operation of roads inside or outside the District.

All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and laws of the State of Texas.

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**MEMBER
 2014**

TEXAS PRESS ASSOCIATION

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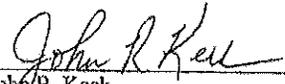
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January 2, 2015



 John R. Keck
 Publisher

SUBSCRIBED AND SWORN BEFORE ME by John R. Keck, who

- (a) is personally known to me, or
- (b) Provided the following evidence to establish his/ her identity,

On this the 2nd day of January, 2015 to certify which witness my hand and seal of office.





 Notary Public