

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 27, 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) 3286, as Filed by Representative Doug Miller - Relating to the dissolution of the Rebecca Creek Municipal Utility District

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 recognizes that the Rebecca Creek Municipal Utility District's (the "District") board of directors sold and transferred substantially all of the District's water utility system assets and used the proceeds from the sale to pay, or arrange for the payment of, all debts and liabilities of the District. The bill allows the District's board to adopt a resolution authorizing the dissolution of the District.

The bill validates and confirms all governmental acts and proceedings of the District that were taken before the effective date of bill. The validation does not apply to any matter that on the effective date of the bill: (1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or (2) has been held invalid by a final court judgment.

Sincerely,

A handwritten signature in cursive script that reads "Linda Brookins".

Linda Brookins, Director
Water Supply Division

cc: Honorable Doug Miller, Chairman, House Committee on Special Purpose Districts

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 3286

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.

3/13/2015

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.

March 16, 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: Miller of Comal

H.B. No. 3286

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the dissolution of the Rebecca Creek Municipal Utility
3 District.

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

5 SECTION 1. DEFINITION; BACKGROUND. (a) In this Act,
6 "district" means the Rebecca Creek Municipal Utility District.

7 (b) On or before January 1, 2015, the district's board of
8 directors sold and transferred substantially all of the district's
9 water utility system assets and used the proceeds from the sale to
10 pay, or arrange for the payment of, all debts and liabilities of the
11 district.

12 SECTION 2. DISTRICT DISSOLUTION. The district's board of
13 directors may adopt a resolution authorizing the dissolution of the
14 district, and the district shall be dissolved in accordance with
15 the terms of that resolution.

16 SECTION 3. VALIDATION; LIMITATION. (a) The legislature
17 validates and confirms all governmental acts and proceedings of the
18 district that were taken before the effective date of this Act.

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

21 (1) is involved in litigation if the litigation
22 ultimately results in the matter being held invalid by a final court
23 judgment; or

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

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

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

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

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

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

AFFP
C-LEGAL

Affidavit of Publication

STATE OF TEXAS)
COUNTY OF COMAL) SS

**NOTICE OF
INTENT
TO INTRODUCE LOCAL BILL**

This is to give notice of intent to introduce in the 84th Legislature, Regular Session, a bill relating to the Rebecca Creek Municipal Utility District (the "District"). The proposed bill, if adopted in to law, authorizes the board of directors to dissolve the District after winding up the District's affairs and validates certain acts by the District's board of directors. Additional information may be obtained from Patrick Lindner, general counsel for the District, by calling 210-442-2310.

Rosie Willingham, being duly sworn, says:

That she is Business Manager of the New Braunfels Herald-Zeitung, a daily newspaper of general circulation, printed and published in New Braunfels, Comal County, Texas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

February 08, 2015

That said newspaper was regularly issued and circulated on those dates.

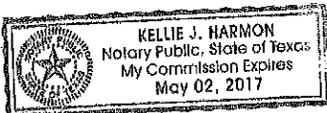
SIGNED:

Rosie M. Willingham
Business Manager

Subscribed to and sworn to me this 8th day of February 2015.

Kellie J. Harmon
Kellie J. Harmon, Receptionist, Comal County, Texas

My commission expires: May 02, 2017



04116056 00158934 (210)349-0041

Davidson & Troilo, P.C.
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SAN ANTONIO, TX 78229

