

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 30, 2017

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

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

Senate Bill (SB) 1014, as Filed by Senator Brandon Creighton - Relating to The Woodlands Township.

Dear Governor Patrick:

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.

Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, and Special District Local Laws Code are amended relating to The Woodlands Township (District); this bill also: amends Section 8(e), Chapter 289 by removing the requirement for the TCEQ to, on petition of a resident of or owner of real property in the District, appoint the required number of qualified individuals to fill board vacancies if the number of directors for any reason is less than four; the bill amends Section 11C(p), Chapter 289 by specifying that a development zone created without a duration or date of termination may be dissolved by a two-thirds vote of the board of directors of the district or the governing body of a municipality or other form of local government other than the development zone succeeding to the principal assets, powers, functions, and liabilities of the District; the bill adds Section 14A to Chapter 289, which allows the District incorporate and dissolve; special District Local Laws Code is amended by adding Chapter 11011 which allows the District to dissolve if at least 99 percent of the territory of the District is incorporated and the

Hon. Dan Patrick
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District is dissolved in the manner provided by Section 14A, Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993; and, House Bill 2183 by Rep. Keough is the companion to this proposed bill.

Sincerely,


Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Charles Perry, Chairman, Senate Agriculture, Water & Rural Affairs
Committee
Senator Robert Nichols and Senator Van Taylor, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 1014

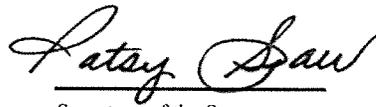
Bill Number

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.

2/23/2017

Date transmitted to
Governor's Office


Secretary of the Senate

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 3, 2017

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable President of the Senate
The Honorable Speaker of the House of Representatives
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: Creighton

S.B. No. 1014

A BILL TO BE ENTITLED

1 AN ACT

2 relating to The Woodlands Township.

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

4 SECTION 1. Section 8(e), Chapter 289, Acts of the 73rd
5 Legislature, Regular Session, 1993, is amended to read as follows:

6 (e) A vacancy in the office of director shall be filled by
7 appointment of a qualified individual by a majority vote of the
8 remaining directors [~~except that if the number of directors for
9 any reason is less than four, on petition of a resident of or owner
10 of real property in the district, the commission shall appoint the
11 required number of qualified individuals to fill the vacancies~~].

12 SECTION 2. Section 11C(p), Chapter 289, Acts of the 73rd
13 Legislature, Regular Session, 1993, is amended to read as follows:

14 (p) Sections 311.002 and 311.014 through 311.017, Tax Code,
15 apply to the district, except that for purposes of this subsection:

16 (1) a reference in those sections to a municipality
17 means the district and the development zone;

18 (2) a reference in those sections to an ordinance
19 means an order;

20 (3) a reference in those sections to a reinvestment
21 zone means a development zone;

22 (4) a reference in those sections to an agreement made
23 under Subsection (b), Section 311.010, Tax Code, means an agreement
24 made under Subsection (1) of this section;

1 (5) "development" means initial development;
2 (6) "redevelopment" means substantial redevelopment;
3 (7) Section 311.016, Tax Code, applies only if ad
4 valorem taxes are used, in whole or in part, in payment of project
5 costs of a development zone; and

6 (8) a development zone created without a duration or
7 date of termination may be dissolved by a two-thirds vote of the
8 board of directors of the district or of the governing body of a
9 municipality or other form of local government other than the
10 development zone succeeding to the principal assets, powers,
11 functions, and liabilities of the district, but only if:

12 (A) the development zone has no outstanding
13 indebtedness or other obligations; or

14 (B) the assets, powers, functions, and
15 liabilities, and any outstanding indebtedness or obligations, of
16 the development zone are expressly assumed by the district or the
17 succeeding municipality or local government.

18 SECTION 3. Chapter 289, Acts of the 73rd Legislature,
19 Regular Session, 1993, is amended by adding Section 14A to read as
20 follows:

21 Sec. 14A. INCORPORATION. (a) This section prevails over
22 any other provision of this Act that conflicts with or is
23 inconsistent with this section.

24 (b) Except as provided by Subsections (c) and (f) of this
25 section, and subject to any applicable limitations of the
26 constitution of this state, if the incorporation of at least 99
27 percent of the territory of the district and the transfer of the

1 rights, powers, privileges, duties, purposes, functions, and
2 responsibilities of the district and the district's authority to
3 issue bonds and impose a tax to the municipality are approved by a
4 majority of the voters voting in an election held for that purpose,
5 including an election described by Section 9(h) (2):

6 (1) the assets, liabilities, obligations, rights,
7 powers, privileges, duties, purposes, functions, and
8 responsibilities of the district and the district's authority to
9 issue bonds and impose a tax are transferred to the municipality;
10 and

11 (2) the district is dissolved.

12 (c) If on the date the incorporation of the territory of the
13 district is approved at an election described by Subsection (b) of
14 this section the district owes any debt that cannot be transferred
15 to the municipality, the district is continued until the debt is
16 retired or is restructured in a manner that the debt may be
17 transferred to the municipality.

18 (d) If the conditions described by Subsection (c) of this
19 section are met:

20 (1) the board shall adopt an order certifying that the
21 conditions have been met; and

22 (2) on the effective date of the order:

23 (A) the assets, liabilities, obligations,
24 rights, powers, privileges, duties, purposes, functions, and
25 responsibilities of the district and the district's authority to
26 issue bonds and impose a tax are transferred to the municipality;
27 and

1 (B) the district is dissolved.

2 (e) In addition to any other restructuring methods
3 permitted by law, the district may restructure its outstanding debt
4 for the purpose of transferring the debt to the municipality by
5 issuing refunding bonds secured by:

6 (1) a limited pledge of ad valorem tax revenue not
7 greater than that authorized to be levied by the municipality;

8 (2) a pledge of one or more other sources of revenue
9 available to the district that are also available to the
10 municipality under this section or general law; or

11 (3) a pledge of a combination of revenues described by
12 Subdivisions (1) and (2).

13 (f) The transfer of assets, liabilities, obligations,
14 rights, powers, privileges, duties, purposes, functions, and
15 responsibilities of the district and the district's authority to
16 issue bonds and impose a tax to the municipality under this section
17 is effective regardless of whether the boundaries of the
18 municipality are coterminous with the boundaries of the district,
19 unless the transfer would materially impair the security for a debt
20 transferred to the municipality. If the transfer would materially
21 impair the security for a debt transferred to the municipality, the
22 debt must be restructured in the manner provided by this section
23 before the transfer may occur.

24 SECTION 4. Subtitle X, Title 6, Special District Local Laws
25 Code, is amended by adding Chapter 11011 to read as follows:

26 CHAPTER 11011. THE WOODLANDS TOWNSHIP

27 Sec. 11011.001. DEFINITION. In this chapter, "district"

1 means The Woodlands Township.

2 Sec. 11011.002. LAW GOVERNING DISTRICT. The district is
3 governed by this chapter and Chapter 289, Acts of the 73rd
4 Legislature, Regular Session, 1993.

5 Sec. 11011.003. DISSOLUTION OF DISTRICT. (a) If at least
6 99 percent of the territory of the district is incorporated and the
7 district is dissolved in the manner provided by Section 14A,
8 Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993,
9 only the following sections of Chapter 289, Acts of the 73rd
10 Legislature, Regular Session, 1993, apply to the municipality in
11 addition to any applicable general law provisions, a reference in
12 those sections to the district means the municipality, and a
13 reference in those sections to the board or board of directors means
14 the governing body of the municipality:

15 (1) Sections 6(a) and (c);

16 (2) Sections 7(a), (b), (c), (e), (f), (g), (h), (i),
17 (j), (l), (n), (o), (p), (q), (r), (t), (u), (v), (w), (y), (z), and
18 (aa);

19 (3) Section 7H;

20 (4) Sections 9(h)(3), (4), and (5);

21 (5) Section 11;

22 (6) Section 11A;

23 (7) Section 11B;

24 (8) Section 11B-1;

25 (9) Section 11C;

26 (10) Sections 12A(a), (c), (d), (e), and (f); and

27 (11) Section 13.

1 (b) The remaining provisions of Chapter 289, Acts of the
2 73rd Legislature, Regular Session, 1993, do not apply to the
3 municipality after the dissolution of the district.

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

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

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

18 (d) The general law relating to consent by political
19 subdivisions to the creation of districts with conservation,
20 reclamation, and road powers and the inclusion of land in those
21 districts has been complied with.

22 (e) All requirements of the constitution and laws of this
23 state and the rules and procedures of the legislature with respect
24 to the notice, introduction, and passage of this Act have been
25 fulfilled and accomplished.

26 SECTION 6. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

S.B. No. 1014

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2017.

**PUBLISHER'S AFFIDAVIT
STATE OF TEXAS
COUNTY OF MONTGOMERY**

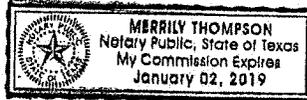
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MONTE WEST WHO BEING BY ME DULY SWORN, DEPOSES AND SAYS THAT HE IS AN AGENT TO THE PUBLISHER OF THE MONTGOMERY COUNTY NEWS, THAT SAID NEWSPAPER IS REGULARLY PUBLISHED IN MONTGOMERY COUNTY, TEXAS, AND GENERALLY CIRCULATED IN MONTGOMERY COUNTY, TEXAS; AND THAT THE NOTICE, A COPY OF WHICH IS HERETO ATTACHED, WAS PUBLISHED IN SAID NEWSPAPER ON THE FOLLOWING DAYS:

1th DAY(S) OF January, 2017.

Case/Cause# LEGAL NOTICE OF INTENTION TO INTRODUCE LEGISLATION - THE WOODLANDS TOWNSHIP

Monte West
PUBLISHER/PUBLISHER'S REPRESENTATIVE, MONTE WEST

NOTARY:



MY COMMISSION EXPIRES: 01-02-2019

AFFIX NOTARY SEAL ABOVE:

SWORN AND SUBSCRIBED TO ME ON THIS THE 1th DAY OF January, 2017, TO CERTIFY WHICH WITNESS MY HAND AND SEAL OF OFFICE.

Merrily Thompson
NOTARY PUBLIC SIGNATURE IN AND FOR THE STATE OF TEXAS MERRILY THOMPSON
PRINTED OR TYPED NAME OF NOTARY PUBLIC

information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected, and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number, and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION, AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/about/comments.html, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from MHC IT, Inc. at the address stated above or by calling Mr. Randy Council, RSB Environmental, at 832-291-3473.

Issuance Date: January 5, 2017

Published Date: January 11, 2017

NOTICE OF INTENTION TO INTRODUCE A BILL IN THE LEGISLATURE OF TEXAS

Notice is hereby given of the intention to introduce in the Regular Session of the 85th Legislature of Texas a bill relating to the powers and duties of The Woodlands Township. The general substance of the bill is as follows: AN ACT relating to the powers, elections, and boundaries of The Woodlands Township.

Published Date: January 11, 2017

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community know about
your upcoming events!