

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

May 4, 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) 2260, as Filed by Senator Lois W. Kolkhorst - Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 130; providing authority to issue bonds; providing authority to impose a tax.

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.

This bill codifies Fort Bend County Municipal Utility District No. 130 (District) as Chapter 7994, Special District Local Laws Code, to specify the following; the District has the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54, with the following exceptions; the bill grants the District authority 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 real property in the District; notwithstanding the acreage requirement under Section 54.801(a), Water Code, the District may establish and administer defined areas as provided by Subchapter J, Chapter 54, Water Code; the District may add or exclude land from the defined areas in the same manner the District may add or exclude land from the district; House Bill 4285 by Rep. Zerwas is the companion to this proposed bill.

Sincerely,

A handwritten signature in cursive script, reading "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Lois W. Kolkhorst, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 2260

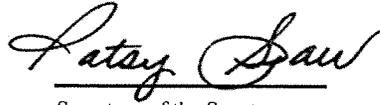
Bill Number

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.

3/29/2017

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.

April 7, 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: Kolkhorst

S.B. No. 2260

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the powers and duties of the Fort Bend County Municipal
3 Utility District No. 130; providing authority to issue bonds;
4 providing authority to impose a tax.

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 7994 to read as follows:

8 CHAPTER 7994. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 130

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 7994.001. DEFINITION. In this chapter, "district"
11 means the Fort Bend County Municipal Utility District No. 130.

12 Sec. 7994.002. NATURE OF DISTRICT. The district is a
13 municipal utility district created under Section 59, Article XVI,
14 Texas Constitution.

15 Sec. 7994.003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
16 The district is created to serve a public purpose and benefit.

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

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

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

1 SUBCHAPTER B. POWERS AND DUTIES

2 Sec. 7994.051. 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. 7994.052. 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. 7994.053. 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. 7994.054. 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 Sec. 7994.055. AUTHORITY TO ESTABLISH DEFINED AREAS.
3 Notwithstanding the acreage requirement under Section 54.801(a),
4 Water Code, the district may establish and administer defined areas
5 as provided by Subchapter J, Chapter 54, Water Code.

6 Sec. 7994.056. ADDITION OR EXCLUSION OF LAND IN DEFINED
7 AREA. The district may add or exclude land from the defined areas
8 in the same manner the district may add or exclude land from the
9 district.

10 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

11 Sec. 7994.101. AUTHORITY TO ISSUE BONDS AND OTHER
12 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
13 other obligations payable wholly or partly from ad valorem taxes,
14 impact fees, revenue, contract payments, grants, or other district
15 money, or any combination of those sources, to pay for a road
16 project authorized by Section 7994.053.

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

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

26 Sec. 7994.102. TAXES FOR BONDS. At the time the district
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 district shall provide for the annual imposition of a continuing
2 direct ad valorem tax, without limit as to rate or amount, while all
3 or part of the bonds are outstanding as required and in the manner
4 provided by Sections 54.601 and 54.602, Water Code.

5 SECTION 2. The Fort Bend County Municipal Utility District
6 No. 130 retains all the rights, powers, privileges, authority,
7 duties, and functions that it had before the effective date of this
8 Act.

9 SECTION 3. (a) The legislature validates and confirms all
10 acts and proceedings of the board of directors of the Fort Bend
11 County Municipal Utility District No. 130 that were taken before
12 the effective date of this Act.

13 (b) Subsection (a) of this section does not apply to any
14 matter that on the effective date of this Act:

15 (1) is involved in litigation if the litigation
16 ultimately results in the matter being held invalid by a final
17 judgment of a court; or

18 (2) has been held invalid by a final judgment of a
19 court.

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

27 (b) The governor, one of the required recipients, has

S.B. No. 2260

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

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

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2017.

2-10

Allen Boone Humphreys
Robinson

PUBLISHER'S AFFIDAVIT

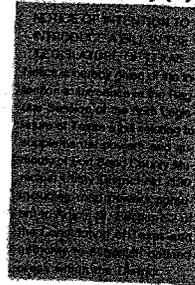
FBC MUD No. 130

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of *Fort Bend Herald* 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 since 1959.
5. it is generally circulated within Fort Bend County.

(CLIPPING) (S)



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

2-10

_____, A.D. 2017

Lee Hartman
Publisher

SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

X a) is personally known to me, or

_____ b) provided the following evidence to establish his/her identity, _____

on this the 13th day of February, A.D. 2017 to certify which witness my hand and seal of office.

Notary Public, State of Texas

