

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 16, 2019

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) 2450, as Filed by Senator Larry Taylor - Relating to the powers and duties of the Brazoria County Municipal Utility District No. 43; 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 Brazoria County Municipal Utility District No. 43 (District) as Chapter 8059, Special Districts Local Laws Code, with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54. The bill grants the District road powers. The bill specifies that 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.

Sincerely,

A handwritten signature in cursive script that reads "Cari-Michel La Caille".

Cari-Michel La Caille, Director
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Larry Taylor, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 2450

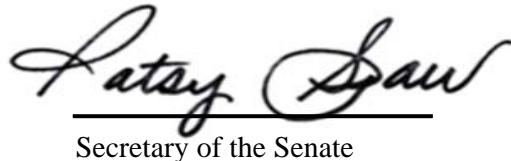
Bill Number

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.

3/18/2019

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 18, 2019

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: Taylor

S.B. No. 2450

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Brazoria County Municipal Utility District No. 43; providing authority to issue bonds; providing authority to impose a tax.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8059 to read as follows:

CHAPTER 8059. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 43

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8059.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "District" means the Brazoria County Municipal Utility District No. 43.

Sec. 8059.0102. NATURE AND PURPOSES OF DISTRICT. (a) The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

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

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

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

SUBCHAPTER B. POWERS AND DUTIES

Sec. 8059.0201. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8059.0202. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8059.0203. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8059.0204. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

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

1 specifications of the road project.

2 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

3 Sec. 8059.0301. 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 impact fees, revenue, contract payments, grants, or other district
7 money, or any combination of those sources, to pay for a road
8 project authorized by Section 8059.0203.

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. 8059.0302. TAXES FOR BONDS. At the time the district
19 issues bonds payable wholly or partly from ad valorem taxes, the
20 board 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. The Brazoria County Municipal Utility District
25 No. 43 retains all the rights, powers, privileges, authority,
26 duties, and functions that it had before the effective date of this
27 Act.

1 SECTION 3. (a) The legislature validates and confirms all
2 governmental acts and proceedings of the Brazoria County Municipal
3 Utility District No. 43 that were taken before the effective date of
4 this Act.

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

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

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

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

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

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

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

1 and accomplished.

2 SECTION 5. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2019.



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES, POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

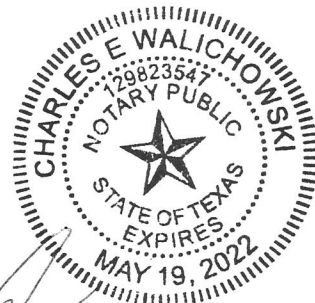
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Product	Date	Class	Page
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CNFJ-Friendswood Journal	Feb 13 2019	Legal Notices	
CNPJ-Pearland Journal	Feb 13 2019	Legal Notices	

Victoria Bond A R Curt
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 19th Day of February A.D. 2019



Charles E. Walichowski
Notary Public in and for the State of Texas

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 86th Legislature of Texas a bill relating to supplemental powers and authority of Brazoria County Municipal Utility District No. 43, including road powers pursuant to Article III, Section 52 of the Constitution of Texas.



A Division of the Houston Chronicle

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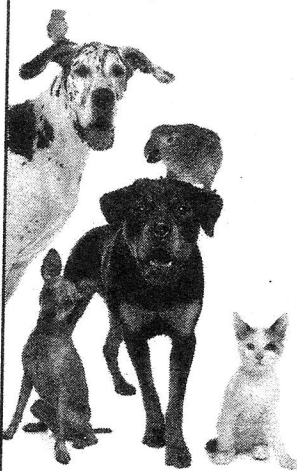
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LEGALS

LEGALS

Effective February 28, 2019, Nora Torres, M.D. will be retiring from Texas Children's Pediatrics East located at 12620 Woodforest Blvd., Ste. 150, Houston, TX 77015. Patient medical records will remain at Texas Children's Pediatrics East, as part of the Texas Children's system. Records may be requested at 713-455-0200.

LEGALS

LEGALS

LEGALS

PASADENA INDEPENDENT SCHOOL DISTRICT is soliciting RFPs for Supplemental Food and Catering Services, RFP #19R-013PD until 2:00 PM, Friday, March 8, 2019. Proposals will be submitted online in the Pasadena ISD eBid System. Vendors may login to view specifications and submit their response at the following link: <https://pasadenaisd.ionwave.net>

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 86th Legislature of Texas a bill relating to supplemental powers and authority of Brazoria County Municipal Utility District No. 43, including road powers pursuant to Article III, Section 52 of the Constitution of Texas.

Legal Notice

The following properties are overgrown with high grass / weeds and / or