

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 8, 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) 2521, as Filed by Senator Paul Bettencourt - Relating to the powers and duties of the Harris County Municipal Utility District No. 248; providing authority to issue bonds and impose fees and taxes.

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 Harris County Municipal Utility District No. 248 (District) as Chapter 8087, 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 allows the District to establish defined areas. 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. House Bill 4685 by Representative Oliverson is the companion to this bill.

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 Paul Bettencourt, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 2521

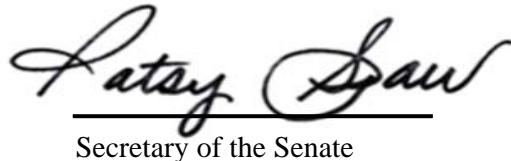
Bill Number

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.

4/3/2019

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.

April 11, 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: Bettencourt

S.B. No. 2521

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Harris County Municipal Utility District No. 248; providing authority to issue bonds and impose fees and taxes.

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 8087 to read as follows:

CHAPTER 8087. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8087.0101. DEFINITIONS. In this chapter:

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

(2) "District" means the Harris County Municipal Utility District No. 248.

Sec. 8087.0102. 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.

1 SUBCHAPTER B. POWERS AND DUTIES

2 Sec. 8087.0201. GENERAL POWERS AND DUTIES. The district
3 has the powers and duties necessary to accomplish the purposes for
4 which the district is created.

5 Sec. 8087.0202. 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. 8087.0203. 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. 8087.0204. ROAD STANDARDS AND REQUIREMENTS. (a) A
17 road project must meet all applicable construction standards,
18 zoning and subdivision requirements, and regulations of each
19 municipality in whose corporate limits or extraterritorial
20 jurisdiction the road 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. DEFINED AREAS

3 Sec. 8087.0301. AUTHORITY TO ESTABLISH DEFINED AREAS OR
4 DESIGNATED PROPERTY. The district may define areas or designate
5 certain property of the district to pay for improvements,
6 facilities, or services that primarily benefit that area or
7 property and do not generally and directly benefit the district as a
8 whole.

9 Sec. 8087.0302. PROCEDURE FOR ELECTION. (a) Before the
10 district may impose an ad valorem tax applicable only to the defined
11 area or designated property or issue bonds payable from ad valorem
12 taxes of the defined area or designated property, the board shall
13 hold an election in the defined area or designated property only.

14 (b) The board may submit the proposition to the voters on
15 the same ballot to be used in another election.

16 Sec. 8087.0303. DECLARING RESULT AND ISSUING ORDER. (a) If
17 a majority of the voters voting at an election held under Section
18 8087.0302 approve the proposition or propositions, the board shall
19 declare the results and, by order, shall establish the defined area
20 or designated property and describe it by metes and bounds or
21 designate the specific property.

22 (b) A court may not review the board's order except on the
23 ground of fraud, palpable error, or arbitrary and confiscatory
24 abuse of discretion.

25 Sec. 8087.0304. TAXES FOR SERVICES, IMPROVEMENTS, AND
26 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
27 approval and adoption of the order described by Section 8087.0303,

1 the district may apply separately, differently, equitably, and
2 specifically its taxing power and lien authority to the defined
3 area or designated property to provide money to construct,
4 administer, maintain, and operate services, improvements, and
5 facilities that primarily benefit the defined area or designated
6 property.

7 Sec. 8087.0305. ISSUANCE OF BONDS FOR DEFINED AREA OR
8 DESIGNATED PROPERTY. After an order under Section 8087.0303 is
9 adopted, the district may issue bonds to provide for any land,
10 improvements, facilities, plants, equipment, and appliances for
11 the defined area or designated property.

12 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

13 Sec. 8087.0401. AUTHORITY TO ISSUE BONDS AND OTHER
14 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
15 other obligations payable wholly or partly from ad valorem taxes,
16 impact fees, revenue, contract payments, grants, or other district
17 money, or any combination of those sources, to pay for a road
18 project authorized by Section 8087.0203.

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

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

1 Sec. 8087.0402. TAXES FOR BONDS. At the time the district
2 issues bonds payable wholly or partly from ad valorem taxes, the
3 district shall provide for the annual imposition of a continuing
4 direct ad valorem tax, without limit as to rate or amount, while all
5 or part of the bonds are outstanding as required and in the manner
6 provided by Sections 54.601 and 54.602, Water Code.

7 SECTION 2. The Harris County Municipal Utility District
8 No. 248 retains all the rights, powers, privileges, authority,
9 duties, and functions that it had before the effective date of this
10 Act.

11 SECTION 3. (a) The legislature validates and confirms all
12 governmental acts and proceedings of the Harris County Municipal
13 Utility District No. 248 that were taken before the effective date
14 of this Act.

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

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

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

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

1 (b) The governor, one of the required recipients, has
2 submitted the notice and Act to the Texas Commission on
3 Environmental Quality.

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

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

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

**NOTICE OF INTENTION TO INTRODUCE A BILL IN THE
LEGISLATURE OF TEXAS/SUPPLEMENTAL POWERS AND
AUTHORITY OF HARRIS COUNT MUD NO. 248 INCLUDING ROAD
POWERS PURSANT TO ARTICLE III, SECTION 52 OF THE
CONSTITUTION OF TEXAS**

Affidavit of Publication

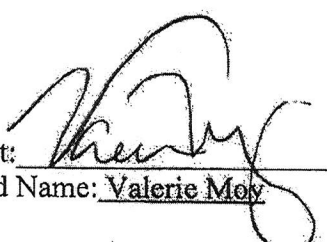
The State of Texas

The Affiant Valerie Moy, having knowledge of the matters hereinafter set forth, after being duly sworn, deposes and states under oath that the following statements are true and correct;

1. Affiant is the Classified Administrator of the Houston Business Journal; a weekly newspaper published in Harris County, Texas and of general circulation in Harris, Chambers, Liberty, Montgomery, Waller, Fort Bend, Brazoria and Galveston Counties.
2. The notice, of which the annexed is true copy, was published on February 22nd, 2019 in the classified advertising of said publication.

Further Affiant sayeth not.

Executed this the 5th day of March, 2019.

Affiant: 
Printed Name: Valerie Moy

SUBSCRIBED AND SWORN BEFORE ME, on the 5th day of March, 2019.


Notary Public

Lenora Gale Black
Printed of Typed Name of Notary

