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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 24, 2021

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) 1347, as Filed by Senator Sarah Eckhardt - Relating to the powers and duties, authority to issue bonds, and authority to impose a tax of the SH130 Municipal Management District No. 1.

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.

The bill amends Chapter 3971, Special District Local Laws Code, for SH130 Municipal Management District No. 1 (District) by defining "county" as Travis County. The bill allows the District to establish defined areas or designated property. The bill specifies that Section 54.813, Water Code, relating to the limitation of a municipality's authority regarding defined area, does not apply to the District. The bill specifies that Section 375.161, Local Government Code, related to certain residential property exemptions, does not apply to the District. The bill amends the language relating to the consent to the creation by each municipality in whose corporate limits or extraterritorial jurisdiction the District is located prior to issuing bonds. The bill amendment allows either a municipality or the county in which the District is located to consent to the creation of the District prior to the issuance of bonds. House Bill 3135 by Representative Cole is the companion to this bill.

Sincerely,

A handwritten signature in black ink, reading "Cari-Michel La Caille".

Cari-Michel La Caille, Director
Water Supply Division

cc: Honorable Paul Bettencourt, Chairman, Senate Local Government Committee
Senator Sarah Eckhardt, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 1347

Bill Number

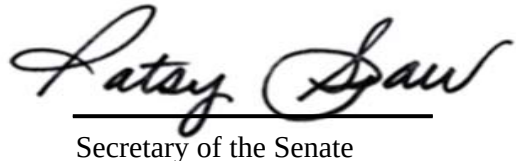
TO: The Honorable Governor of Texas

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.

3/11/2021

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 12, 2021

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: Eckhardt

S.B. No. 1347

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties, authority to issue bonds, and authority to impose a tax of the SH130 Municipal Management District No. 1.

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

SECTION 1. Section 3971.0101, Special District Local Laws Code, is amended to read as follows:

Sec. 3971.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Austin.

(3) "County" means Travis County.

(4) "Director" means a board member.

(5) ~~[(4)]~~ "District" means the SH130 Municipal Management District No. 1.

SECTION 2. Sections 3971.0103(b) and (d), Special District Local Laws Code, are amended to read as follows:

(b) By creating the district and in authorizing the city, the county, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(d) This chapter and the creation of the district may not be interpreted to relieve the city or the county from providing the level of services provided as of the effective date of the Act

enacting this chapter to the area in the district. The district is created to supplement and not to supplant city or county services provided in the district.

SECTION 3. Section 3971.0304, Special District Local Laws Code, is amended to read as follows:

Sec. 3971.0304. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the city or the county, to provide law enforcement services in the district for a fee.

SECTION 4. Subchapter C, Chapter 3971, Special District Local Laws Code, is amended by adding Section 3971.0311 to read as follows:

Sec. 3971.0311. AUTHORITY TO ESTABLISH DEFINED AREAS OR DESIGNATED PROPERTY. (a) Notwithstanding the acreage requirement under Section 54.801(a), Water Code, the district may define areas or designate certain property of the district as provided by Subchapter J, Chapter 54, Water Code, to pay for improvements, facilities, or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole.

(b) Section 54.813, Water Code, does not apply to the district.

SECTION 5. Subchapter D, Chapter 3971, Special District Local Laws Code, is amended by adding Section 3971.0403 to read as follows:

Sec. 3971.0403. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the

1 district.

2 SECTION 6. Section 3971.0506, Special District Local Laws
3 Code, is amended to read as follows:

4 Sec. 3971.0506. BONDS AND OTHER OBLIGATIONS FOR IMPROVEMENT
5 UNDER AGREEMENT. If the improvements financed by an obligation
6 will be conveyed, ~~[to or]~~ operated and maintained, or otherwise
7 financed ~~[by a municipality or retail utility provider]~~ pursuant to
8 an agreement between the district and the county, a municipality,
9 or a retail utility provider entered into before the issuance of the
10 obligation, the obligation may be in the form of bonds, notes, or
11 other obligations payable wholly or partly from assessments, issued
12 by public or private sale, in the manner provided by Subchapter A,
13 Chapter 372, Local Government Code.

14 SECTION 7. Section 3971.0507, Special District Local Laws
15 Code, is amended to read as follows:

16 Sec. 3971.0507. CONSENT OF MUNICIPALITY OR COUNTY REQUIRED.

17 (a) The board may not issue bonds until the governing body of
18 either a ~~[each]~~ municipality in whose corporate limits or
19 extraterritorial jurisdiction the district is located or the county
20 in which the district is located has consented by ordinance, ~~[or]~~
21 resolution, or order to the creation of the district and to the
22 inclusion of land in the district.

23 (b) This section applies only to the district's first
24 issuance of bonds payable from ad valorem taxes.

25 SECTION 8. Sections 3971.0602(a) and (b), Special District
26 Local Laws Code, are amended to read as follows:

27 (a) The district may adopt a sales and use tax if:

1 (1) the city or the county consents to the adoption of
2 the tax; and

3 (2) the tax is authorized by a majority of the voters
4 of the district voting at an election held for that purpose.

5 (b) Subject to city or county consent under Subsection (a),
6 the board by order may call an election to authorize the adoption of
7 the sales and use tax. The election may be held on any uniform
8 election date and in conjunction with any other district election.

9 SECTION 9. Section 3971.0702(a), Special District Local
10 Laws Code, is amended to read as follows:

11 (a) For the purposes of this subchapter:

12 (1) a reference in Chapter 351, Tax Code, to a
13 municipality is a reference to the district and a reference in
14 Chapter 351, Tax Code, to the municipality's officers or governing
15 body is a reference to the board;

16 (2) a reference in Chapter 352, Tax Code, to a county
17 is a reference to the district; and

18 (3) [~~(2)~~] a reference in Chapter 352, Tax Code, to the
19 commissioners court is a reference to the board.

20 SECTION 10. Section 3971.0703(a), Special District Local
21 Laws Code, is amended to read as follows:

22 (a) The district may not impose a hotel occupancy tax unless
23 the city or the county consents to the imposition.

24 SECTION 11. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

4 (b) The governor, one of the required recipients, has
5 submitted the notice and Act to the Texas Commission on
6 Environmental Quality.

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

11 (d) All requirements of the constitution and laws of this
12 state and the rules and procedures of the legislature with respect
13 to the notice, introduction, and passage of this Act have been
14 fulfilled and accomplished.

15 SECTION 12. (a) The following are validated and confirmed
16 in all respects:

17 (1) the creation of the SH130 Municipal Management
18 District No. 1; and

19 (2) any act or proceeding of the district, including
20 an election, not excepted by this section and taken not more than
21 three years before the effective date of this Act, effective as of
22 the date on which the act or proceeding occurred.

23 (b) This section does not apply to:

24 (1) an act, proceeding, director, other official,
25 bond, or other obligation the validity of which or of whom is the
26 subject of litigation that is pending on the effective date of this
27 Act; or

1 (2) an act or proceeding that, under a statute of this
2 state or the United States, was a misdemeanor or felony at the time
3 the act or proceeding occurred.

4 SECTION 13. This Act takes effect immediately if it
5 receives a vote of two-thirds of all the members elected to each
6 house, as provided by Section 39, Article III, Texas Constitution.
7 If this Act does not receive the vote necessary for immediate
8 effect, this Act takes effect September 1, 2021.



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For questions concerning this bill call 866-470-7133, Option 2
If paid, please disregard. Thank You

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02/05/2021	P307049		Prepay Order #0000623764- CC #2003				
02/05/2021	I00623764-02052021	Austin American-Statesman	NOTICE OF INTENT TO INTRODUCE LEGISLATION This is to give notice of intent to introduce in the 87th Legislature, Regular Session, a bill to be entitled an Act Legals Page C 7	1 x 32 L 32	1	\$412.16	\$(412.16)
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PUBLIC NOTICE

Before the undersigned authority personally appeared Jason Gallanis, who on oath says that he/she is a Legal Advertising Agent of the Austin American-Statesman, a daily published newspaper that is generally circulated in Bastrop, Bell, Blanco, Burnet, Caldwell, Comal, Coryell, Fayette, Gillespie, Guadalupe, Hays, Kerr, Lampasas, Lee, Llano, Milam, Travis, and Williamson Counties, and State of Texas, and that the attached advertisement was published in said newspaper, to wit: WINSTEAD PC, first date of publication 02/05/2021, last date of publication 02/05/2021, published 1 time(s), and that the attached is a true copy of said advertisement.

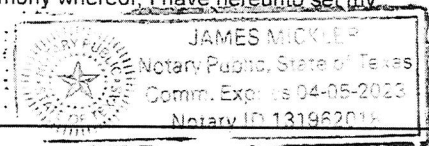
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Sworn or affirmed to, and subscribed before me, this 9th day of February, 2021 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed _____
(Notary)



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NOTICE OF INTENT TO INTRODUCE
LEGISLATION

This is to give notice of intent to introduce in the 87th Legislature, Regular Session, a bill to be entitled an Act relating to the SH130 Municipal Management District No. 1, a special district operating under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution; and Chapters 372 and 375, Texas Local Government Code, relating to the powers and duties of the special district, affecting lands to include: 1138.58 acres of land in or near the City of Austin, Travis County, Texas, being generally located as follows: 4 tracts generally located west of SH130, north of FM973, south of Bloor Road and east of Walter E. Long Metropolitan Park. 1 tract generally located East of SH130, West of Gilbert Lane, South of FM973 and North of Decker Lake Road. 1 tract located North of FM 969 and West of Burleson Manor Road and 2 tracts located South of FM 969 just South of the Burleson Manor Road and North of the Colorado River. The costs for the publication of this notice were paid by Ross Martin, Winstead PC.

02-05-21
0000623764-01