

Chapter 606

H.B. No. 2220

1 AN ACT

2 relating to the powers and duties of the West Harris County
3 Municipal Utility District No. 21; providing authority to issue
4 bonds; providing authority to impose fees and taxes.

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 7976 to read as follows:

8 CHAPTER 7976. WEST HARRIS COUNTY MUNICIPAL

9 UTILITY DISTRICT NO. 21

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7976.001. DEFINITION. In this chapter, "district"
12 means the West Harris County Municipal Utility District No. 21.

13 Sec. 7976.002. NATURE AND PURPOSES OF DISTRICT. (a) The
14 district is a municipal utility district created under Section 59,
15 Article XVI, Texas Constitution.

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

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

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

23 SUBCHAPTER B. POWERS AND DUTIES

24 Sec. 7976.051. GENERAL POWERS AND DUTIES. The district has

1 the powers and duties necessary to accomplish the purposes for
2 which the district is created.

3 Sec. 7976.052. MUNICIPAL UTILITY DISTRICT POWERS AND
4 DUTIES. The district has the powers and duties provided by the
5 general law of this state, including Chapters 49 and 54, Water Code,
6 applicable to municipal utility districts created under Section 59,
7 Article XVI, Texas Constitution.

8 Sec. 7976.053. AUTHORITY FOR ROAD PROJECTS. Under Section
9 52, Article III, Texas Constitution, the district may design,
10 acquire, construct, finance, issue bonds for, improve, operate,
11 maintain, and convey to this state, a county, or a municipality for
12 operation and maintenance macadamized, graveled, or paved roads, or
13 improvements, including storm drainage, in aid of those roads.

14 Sec. 7976.054. ROAD STANDARDS AND REQUIREMENTS. (a) A road
15 project must meet all applicable construction standards, zoning and
16 subdivision requirements, and regulations of each municipality in
17 whose corporate limits or extraterritorial jurisdiction the road
18 project is located.

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

24 (c) If the state will maintain and operate the road, the
25 Texas Transportation Commission must approve the plans and
26 specifications of the road project.

1 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

2 Sec. 7976.101. AUTHORITY TO ISSUE BONDS AND OTHER
3 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
4 other obligations payable wholly or partly from ad valorem taxes,
5 impact fees, revenue, contract payments, grants, or other district
6 money, or any combination of those sources, to pay for a road
7 project authorized by Section 7976.053.

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

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

17 Sec. 7976.102. TAXES FOR BONDS. At the time the district
18 issues bonds payable wholly or partly from ad valorem taxes, the
19 board of directors of the district shall provide for the annual
20 imposition of a continuing direct ad valorem tax, without limit as
21 to rate or amount, while all or part of the bonds are outstanding as
22 required and in the manner provided by Sections 54.601 and 54.602,
23 Water Code.

24 SECTION 2. The West Harris County Municipal Utility
25 District No. 21 retains all 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 West Harris County
3 Municipal Utility District No. 21 that were taken before the
4 effective date of 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.

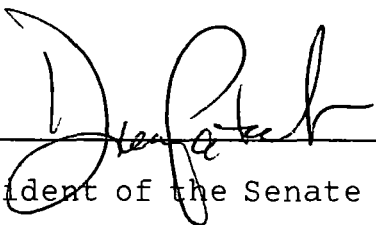
18 (b) The governor, one of the required recipients, has
19 submitted the notice and Act to the Texas Commission on
20 Environmental Quality.

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.

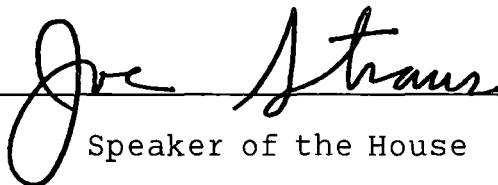
25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

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, 2017.

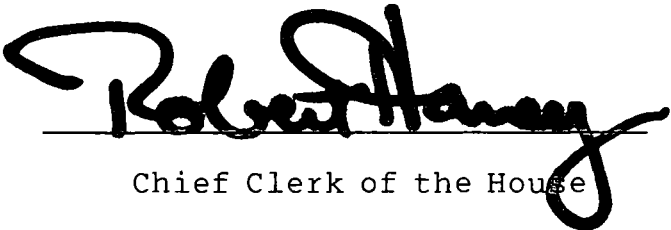


President of the Senate




Speaker of the House

I certify that H.B. No. 2220 was passed by the House on April 27, 2017, by the following vote: Yeas 142, Nays 2, 3 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 2220 was passed by the Senate on May 22, 2017, by the following vote: Yeas 29, Nays 1.



Secretary of the Senate


APPROVED: _____

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 PM O'CLOCK

JUN 12 2017



Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 5, 2017

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2220** by Elkins (Relating to the powers and duties of the West Harris County Municipal Utility District No. 21; providing authority to issue bonds; providing authority to impose fees and taxes.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code establishing the West Harris County Municipal Utility District No. 21. The district would have authority for road projects. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources to pay for a road project.

The bill would take effect immediately if the bill receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 5, 2017

TO: Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2220 by Elkins (Relating to the powers and duties of the West Harris County Municipal Utility District No. 21; providing authority to issue bonds; providing authority to impose fees and taxes.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code establishing the West Harris County Municipal Utility District No. 21. The district would have authority for road projects. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources to pay for a road project.

The bill would take effect immediately if the bill receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

April 4, 2017

TO: Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2220 by Elkins (Relating to the powers and duties of the West Harris County Municipal Utility District No. 21; providing authority to issue bonds; providing authority to impose fees and taxes.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ) has determined that:

No Water Development Policy Impact Statement will be prepared for this bill under the provisions of Texas Constitution, Article 16, Section 59(d) as this bill does not create a conservation and reclamation district.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: UP, SZ

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 Joe Straus
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

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

House Bill (HB) 2220, as Filed by Representative Gary Elkins - Relating to the powers and duties of the West Harris County Municipal Utility District No. 21; providing authority to issue bonds; providing authority to impose fees and taxes.

Dear Speaker Straus:

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 amends the Special District Local Laws Code by adding Chapter 7976 relating to the West Harris County Municipal Utility District No. 21 (District); this bill specifies that the District has the powers and duties of a standard municipal utility District under Water Code Chapters 49 and 54; this bill grants the District authority for road projects; this bill grants the authority to issue bonds and other obligations for road projects; and, 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 black ink that reads "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Jim Murphy, Chairman, House Special Purpose Districts Committee
Representative Gary Elkins, Texas House of Representatives

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 2220

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.

2/24/2017

Date transmitted to
Governor's Office


Chief Clerk
House of Representatives

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 Speaker of the House
The Honorable President of the Senate
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





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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Legal Notices

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Victoria Bond A/R Clerk
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 19th Day of January A.D. 2017



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

NOTICE OF INTENTION TO INTRODUCE A BILL

NOTICE is hereby given of the intention to apply to the 85th Legislature of the State of Texas, Regular Session to be held in 2017, for the introduction of a bill, the substance of the contemplated law being as follows:

An Act relating to powers and duties of West Harris County Municipal Utility District 21 (the "District"); providing authority to issue bonds; providing authority to impose fees and taxes; validating prior elections, contracts, bonds, obligations, expenditures, annexations, tax rate reduction agreements, and all other actions of the District; making findings as to compliance with Article XVI, Section 59 of the Texas Constitution.

The Act proposes to authorize the District to provide for the construction, maintenance, and operation of roads, subject to approval at an election by the qualified voters in the District.

THIS NOTICE is given in accordance with the requirements of Section 59 of Article XVI of the Texas Constitution, and said legislation will find that said requirements have been met.