

Chapter 443

H.B. No. 3220

1 AN ACT

2 relating to the powers and duties of the Hidalgo County Water
3 Control and Improvement District No. 18; providing authority to
4 issue bonds; providing authority to impose fees and taxes.

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

6 SECTION 1. Subtitle I, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 9067 to read as follows:

8 CHAPTER 9067. HIDALGO COUNTY WATER CONTROL AND IMPROVEMENT

9 DISTRICT NO. 18

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 9067.001. DEFINITION. In this chapter, "district"
12 means the Hidalgo County Water Control and Improvement District No.
13 18.

14 Sec. 9067.002. NATURE AND PURPOSES OF DISTRICT. (a) The
15 district is a water control and improvement district created under
16 Section 59, Article XVI, Texas Constitution.

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

18 (1) a water control and improvement district as
19 provided by general law and Section 59, Article XVI, Texas
20 Constitution; and

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

1 SUBCHAPTER B. POWERS AND DUTIES

2 Sec. 9067.051. 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. 9067.052. WATER CONTROL AND IMPROVEMENT DISTRICT
6 POWERS AND DUTIES. The district has the powers and duties provided
7 by the general law of this state, including Chapters 49 and 51,
8 Water Code, applicable to water control and improvement districts
9 created under Section 59, Article XVI, Texas Constitution,
10 including the power to construct, participate in, own, maintain,
11 and provide services related to water conservation projects, lakes,
12 reservoirs, canals, and wells, and water, sewer, recycled water,
13 and related utility facilities.

14 Sec. 9067.053. AUTHORITY FOR ROAD PROJECTS. Under Section
15 52, Article III, Texas Constitution, the district may design,
16 acquire, construct, finance, issue bonds for, improve, operate,
17 maintain, and convey to this state, a county, a municipality, or a
18 public improvement district within a municipality for operation and
19 maintenance macadamized, graveled, or paved roads, or
20 improvements, including storm drainage, lakes, reservoirs, canals,
21 underground drainage, and water treatment systems, in aid of those
22 roads.

23 Sec. 9067.054. ROAD STANDARDS AND REQUIREMENTS. (a) A road
24 project must meet all applicable construction standards, zoning and
25 subdivision requirements, and regulations of each municipality in
26 whose corporate limits or extraterritorial jurisdiction the road
27 project is located.

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

6 (c) If the state will maintain and operate the road, the
7 Texas Transportation Commission must approve the plans and
8 specifications of the road project.

9 Sec. 9067.055. PARTICIPATION IN WATER CONSERVATION
10 PROJECTS. The district may participate in the funding and
11 construction of improvements related to water conservation
12 projects within the City of McAllen Tax Increment Reinvestment Zone
13 Number One. Those projects include the construction of lakes,
14 reservoirs, drainage facilities, recycled water facilities,
15 constructed wetlands and filtration systems, and related
16 infrastructure. The district may not engage in projects authorized
17 by this section outside of the boundaries of the district. The
18 district may exercise the powers under this section only in
19 cooperation with a public improvement district located within the
20 boundaries of the City of McAllen Tax Increment Reinvestment Zone
21 Number One under an agreement between the district and the public
22 entity or improvement district.

23 SUBCHAPTER C. BONDS AND OTHER OBLIGATIONS

24 Sec. 9067.101. AUTHORITY TO ISSUE BONDS AND OTHER
25 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
26 other obligations payable wholly or partly from ad valorem taxes,
27 impact fees, revenue, contract payments, grants, or other district

1 money, or any combination of those sources, to pay for a project
2 authorized by Section 9067.053 or 9067.055.

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

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

11 Sec. 9067.102. TAXES FOR BONDS. At the time the district
12 issues bonds payable wholly or partly from ad valorem taxes, the
13 board shall provide for the annual imposition of a continuing
14 direct ad valorem tax, without limit as to rate or amount, while all
15 or part of the bonds are outstanding.

16 SECTION 2. The Hidalgo County Water Control and Improvement
17 District No. 18 retains all the rights, powers, privileges,
18 authority, duties, and functions that it had before the effective
19 date of this Act.

20 SECTION 3. (a) The legislature validates and confirms all
21 acts and proceedings of the Hidalgo County Water Control and
22 Improvement District No. 18 that were taken before the effective
23 date of this Act.

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

26 (1) is involved in litigation if the litigation
27 ultimately results in the matter being held invalid by a final

1 judgment of a court; or

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

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

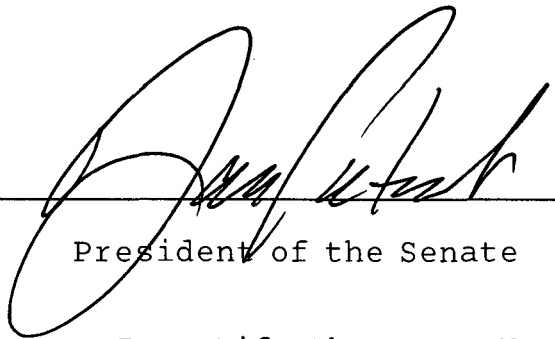
11 (b) The governor, one of the required recipients, has
12 submitted the notice and Act to the Texas Commission on
13 Environmental Quality.

14 (c) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this Act with the governor, the
16 lieutenant governor, and the speaker of the house of
17 representatives within the required time.

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act are fulfilled
21 and accomplished.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2015.

H.B. No. 3220

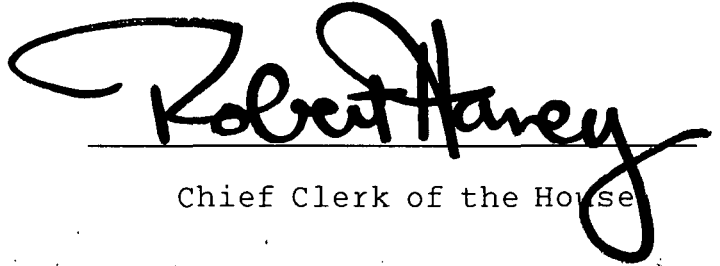


President of the Senate



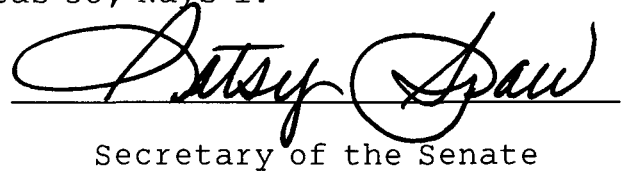
Speaker of the House

I certify that H.B. No. 3220 was passed by the House on May 8, 2015, by the following vote: Yeas 139, Nays 3, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 3220 was passed by the Senate on May 22, 2015, by the following vote: Yeas 30, Nays 1.



Secretary of the Senate

APPROVED: _____

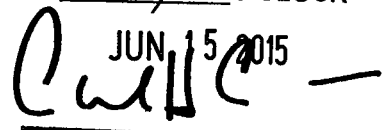
Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

9:15 pm O'CLOCK

JUN 15 2015



Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 12, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3220 by Martinez, "Mando" (Relating to the powers and duties of the Hidalgo County Water Control and Improvement District No. 18; providing authority to issue bonds; providing authority to impose fees and taxes.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KVe, EK, PM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 29, 2015

TO: Honorable Doug Miller, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3220** by Martinez, "Mando" (Relating to the powers and duties of the Hidalgo County Water Control and Improvement District No. 18; providing authority to issue bonds; providing authority to impose fees and taxes.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KVe, EK, PM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 7, 2015

TO: Honorable Doug Miller, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3220** by Martinez, "Mando" (Relating to the powers and duties of the Hidalgo County Water Control and Improvement District No. 18; providing authority to issue bonds; providing authority to impose fees and taxes; providing authority to participate in water planning and conservation projects related to the district within and outside district boundaries; and providing other powers related to roads, water, sewer, recycled water, and related utilities.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: UP, KVe, EK, PM

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 27, 2015

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) 3220, as Filed by Representative Armando Martinez - Relating to the powers and duties of the Hidalgo County Water Control and Improvement District No. 18; providing authority to issue bonds; providing authority to impose fees and taxes; providing authority to participate in water planning and conservation projects related to the district within and outside district boundaries; and providing other powers related to roads, water, sewer, recycled water, and related utilities

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.

The bill codifies Hidalgo County Water Control and Improvement District No. 18 (the "District") as Chapter 9045, Special District Local Laws Code, with the powers of a water control and improvement district operating under Chapters 49 and 51, Water Code.

The bill specifies that the District has the powers and duties under Chapters 49 and 51, Water Code including but are not limited to the power construct, participate in, own, maintain, and provide services related to water conservation projects, lakes, reservoirs, canals, wells, roads, water, sewer, recycled water, and related utility facilities.

The bill grants the District road powers.

The bill allows the District to divide only if the District has no outstanding bonded debt and is not imposing ad valorem taxes.

The Honorable Joe Straus
Page 2
March 27, 2015

The bill validates and confirms: all governmental acts and proceedings of the District that were taken before the effective date of the bill. The validation does not apply to any matter that on the effective date of the bill: (1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or (2) has been held invalid by a final court judgment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Brookins".

Linda Brookins, Director
Water Supply Division
Texas Commission on Environmental Quality

cc: Honorable Doug Miller, Chairman, House Committee on Special Purpose Districts
Representative Armando Martinez, Texas House of Representatives

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 3220

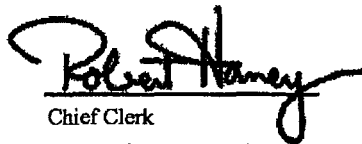
Bill Number

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.

3/13/2015

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 16, 2015

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



84R HB 03220