

Chapter 892

H.B. No. 4206

AN ACT

relating to the powers and duties of the Dowdell Public Utility District; providing authority to issue bonds; providing authority to impose fees and taxes.

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

SECTION 1. Section 8184.003(c), Special District Local Laws Code, is amended to read as follows:

(c) The creation of the district is essential 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.

SECTION 2. Subchapter C, Chapter 8184, Special District Local Laws Code, is amended by adding Sections 8184.102, 8184.103, and 8184.104 to read as follows:

Sec. 8184.102. AUTHORITY TO ESTABLISH DEFINED AREAS. Notwithstanding the acreage requirement under Section 54.801(a), Water Code, the district may establish and administer defined areas as provided by Subchapter J, Chapter 54, Water Code.

Sec. 8184.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design,

1 acquire, construct, finance, issue bonds for, improve, operate,  
2 maintain, and convey to this state, a county, or a municipality for  
3 operation and maintenance macadamized, graveled, or paved roads, or  
4 improvements, including storm drainage, in aid of those roads.

5 Sec. 8184.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
6 project must meet all applicable construction standards, zoning and  
7 subdivision requirements, and regulations of each municipality in  
8 whose corporate limits or extraterritorial jurisdiction the road  
9 project is located.

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

15 (c) If the state will maintain and operate the road, the  
16 Texas Transportation Commission must approve the plans and  
17 specifications of the road project.

18 SECTION 3. Chapter 8184, Special District Local Laws Code,  
19 is amended by adding Subchapter D to read as follows:

20 SUBCHAPTER D. BONDS AND OTHER OBLIGATIONS

21 Sec. 8184.151. AUTHORITY TO ISSUE BONDS AND OTHER  
22 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or  
23 other obligations payable wholly or partly from ad valorem taxes,  
24 impact fees, revenue, contract payments, grants, or other district  
25 money, or any combination of those sources, to pay for a road  
26 project authorized by Section 8184.103.

27 (b) The district may not issue bonds payable from ad valorem

1 taxes to finance a road project unless the issuance is approved by a  
2 vote of a two-thirds majority of the district voters voting at an  
3 election held for that purpose.

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

9 Sec. 8184.152. TAXES FOR BONDS. At the time the district  
10 issues bonds payable wholly or partly from ad valorem taxes, the  
11 district shall provide for the annual imposition of a continuing  
12 direct ad valorem tax, without limit as to rate or amount, while all  
13 or part of the bonds are outstanding as required and in the manner  
14 provided by Sections 54.601 and 54.602, Water Code.

15 SECTION 4. The Dowdell Public Utility District retains all  
16 rights, powers, privileges, authority, duties, and functions that  
17 it had before the effective date of this Act.

18 SECTION 5. (a) The legislature validates and confirms all  
19 acts and proceedings of the board of directors of the Dowdell Public  
20 Utility District that were taken before the effective date of this  
21 Act.

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

24 (1) is involved in litigation if the litigation  
25 ultimately results in the matter being held invalid by a final  
26 judgment of a court; or

27 (2) has been held invalid by a final judgment of a

1 court.

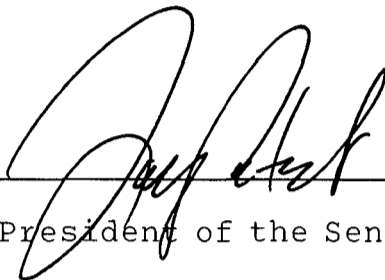
2           SECTION 6. (a) The legal notice of the intention to  
3 introduce this Act, setting forth the general substance of this  
4 Act, has been published as provided by law, and the notice and a  
5 copy of this Act have been furnished to all persons, agencies,  
6 officials, or entities to which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

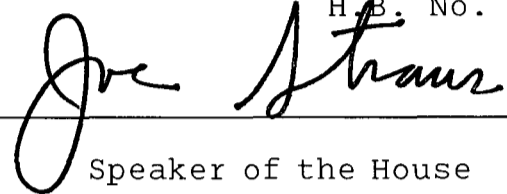
9           (b) The governor, one of the required recipients, has  
10 submitted the notice and Act to the Texas Commission on  
11 Environmental Quality.

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

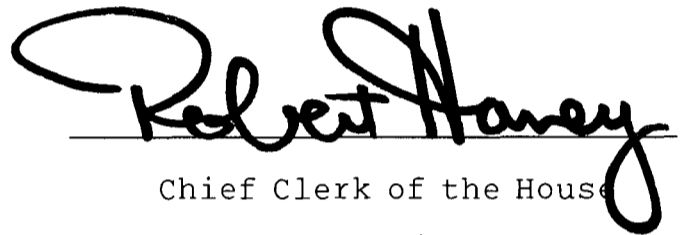
16           (d) All requirements of the constitution and laws of this  
17 state and the rules and procedures of the legislature with respect  
18 to the notice, introduction, and passage of this Act are fulfilled  
19 and accomplished.

20           SECTION 7. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2015.

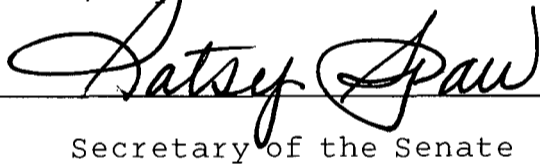
  
\_\_\_\_\_  
President of the Senate

H.B. No. 4206  
  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 4206 was passed by the House on May 19, 2015, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House


I certify that H.B. No. 4206 was passed by the Senate on May 27, 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  
8:00 pm O'CLOCK

JUN 18 2015  
  
\_\_\_\_\_  
Secretary of State

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 24, 2015**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Administration

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB4206** by Riddle (Relating to the powers and duties of the Dowdell Public Utility District; providing authority to issue bonds; providing authority to impose fees and taxes.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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**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, KK, KVe, EK

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 1, 2015**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB4206** by Riddle (Relating to the powers and duties of the Dowdell Public Utility District; providing authority to issue bonds; providing authority to impose fees and taxes.), **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

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*

May 13, 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) 4206, as Filed by Representative Debbie Riddle - Relating to the powers and duties of the Dowdell Public Utility District; 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.

The bill amends Chapter 8184, Special District local Laws Code, relating to Dowdell Public Utility District (the "District") as detailed below.

Specifies that the District is a municipal utility district.

Grants the District road powers.

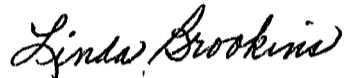
Specifies that the District may establish and administer defined areas as provided by Subchapter J, Chapter 54, Water Code, regardless of the District's acreage. Currently, District's wishing to establish defined areas must contain at least 1,500 acres pursuant to Water Code Section 54.801(a).



The Honorable Joe Straus  
Page 2  
May 13, 2015

Specifies that the District retains all rights, powers, privileges, authority, duties, and functions that it had before the effective date of the bill, and that the legislature validates and confirms all acts and proceedings of the board of directors of the District that were taken before the effective date of the bill. The validation does not apply to any matter of the District that on the effective date of the bill: is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or (2) has been held invalid by a final judgment of a court.

Sincerely,



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

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

LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

HB 4206

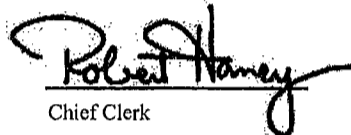
Bill Number

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.

4/28/2015

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.

May 11, 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



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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SMITH MURDAUGH LITTLE    26216723    59408226  
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*Edward Silva*  
\_\_\_\_\_  
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this the 20th Day of February A.D. 2015



*Veronica M. Tyrone*  
\_\_\_\_\_  
Notary Public in and for the State of Texas

defined areas as provided by Subchapter J, Chapter 54, Water Code and to provide for the construction, maintenance and operation of roads, subject to approval at an election by the qualified voters in the District.

All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by Constitution and laws of the State of Texas.