

Subject: Notification of Opinion (Texas Attorney General's Office)

Begin forwarded message:

From: "Collins, Rob" <Rob.Collins@bgllp.com>
Date: August 15, 2014 at 10:30:01 AM CDT
To: "Bill Bilyeu (bbilyeu@co.collin.tx.us)" <bbilyeu@co.collin.tx.us>, Monika Arris <marris@co.collin.tx.us>
Subject: **FW: Notification of Opinion (Texas Attorney General's Office)**

Bill and Monika, you probably already saw this new opinion from the OAG, but I wanted to be sure you had it. This opinion is consistent with the OAG's prior opinion (GA-0981) in 2012 that the Transportation Code provision authorizing the funding of a county transportation reinvestment zone ("TRZ") and issuance of bonds to pay the costs of TRZ transportation projects would violate the Texas Constitution. You probably remember that we had several meetings prior to 2012 where the developer proposed funding a large portion of the project through a county TRZ and the concerns we had about the constitutionality of the then new statute that authorized the TRZ. While the proposed project did not eventually happen, the question on the TRZ was eventually submitted to the OAG and was answered in GA-0981. A Constitutional amendment that would have permitted counties to participate in these types of reinvestment zones failed to pass in 2011. This opinion reiterates that a new constitutional amendment would be required prior to a county being able to participate in these types of zones (despite the statutory authorization in the Transportation Code).

Just thought you might enjoy a refresher on Texas Constitution nuances. This is the stuff I live for.

Rob

Robert R. Collins, III | Partner | Bracewell & Giuliani LLP
1445 Ross Avenue Suite 3800 | Dallas, Texas | 75202-2711
T: 214.758.1012 | F: 214.758.8312
Robert.Collins@bgllp.com | www.bgllp.com

CONFIDENTIALITY STATEMENT

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Bracewell & Giuliani LLP

From: Library Library
Sent: Thursday, August 14, 2014 4:21 PM
Subject: Notification of Opinion (Texas Attorney General's Office)

[GA-1076](#)

Opinion: ([GA-1076](#)) Constitutional questions related to funding of County Energy Transportation Reinvestment Zones (CETRZ)

Request for Opinion: ([RQ-1187-GA](#))

Summary: A county's use of tax increment financing to fund transportation projects in a county energy transportation reinvestment zone could be subject to challenge under the equal and uniform taxation requirement in article VIII, section 1(a) of the Texas Constitution. A county creating a county energy transportation reinvestment zone under section 222.1071 of the Transportation Code may not place general revenue funds into the tax increment account.

You have received this email from the Office of the Attorney General because you have subscribed to this topic on our website. We do not sell our subscriber list to anyone and do not acquire lists from third parties; we only send to persons who have subscribed themselves via our website.

You may unsubscribe from this list, review your subscriptions or change your email address on file by logging into <https://www.texasattorneygeneral.gov/listserv/login.php> (your email address is your user-id).

We hope that you find this system useful. Please send any concerns or comments you may have to webmaster@texasattorneygeneral.gov