

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
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Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*  
March 24, 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) 878, as Filed by Representative Gene Wu - Relating to competitive bidding procedures and election requirements for the Westchase District.

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 Special District Local Laws Code Chapter 3802, the enabling act of the Westchase District, (the "District") as follows: deletes the requirement that the District hold an election to obtain voter approval before the District may issue bonds payable from assessments; stipulates that the District's board may not call an election to issue bonds payable from ad valorem taxes unless a written petition requesting said election is filed with the board (in stipulating bond election, the District would be able to call election to impose a maintenance tax without a petition being filed); and deleting the requirement that the District follow the competitive bidding requirements within Chapter 375 Local Government Code (municipal management district chapter) for contracts more than \$10,000.

Sincerely,

A handwritten signature in cursive script that reads "Linda Brookins".

Linda Brookins, Director  
Water Supply Division

cc: Honorable Carol Alvarado, Chairman, House Committee on Urban Affairs  
Representative Gene Wu, Texas House of Representatives

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LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

HB 878  
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.

1/29/2015  
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.

3.3.2015  
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



By: Wu

H.B. No. 878

A BILL TO BE ENTITLED

1

AN ACT

2 relating to competitive bidding procedures and election  
3 requirements for the Westchase District.

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

5 SECTION 1. Sections 3802.159(a) and (c), Special District  
6 Local Laws Code, are amended to read as follows:

7 (a) In addition to the elections required under Subchapter  
8 L, Chapter 375, Local Government Code, the district must hold an  
9 election in the manner provided by that subchapter to obtain voter  
10 approval before the district may:

11 (1) impose a maintenance tax; or

12 (2) issue a bond payable from ad valorem taxes [~~ex~~  
13 ~~assessments~~].

14 (c) The board may not call a bond [~~an~~] election under this  
15 chapter unless a written petition requesting the [~~an~~] election has  
16 been filed with the board. The petition must be signed by:

17 (1) the owners of a majority of the assessed value of  
18 real property in the district according to the most recent  
19 certified tax appraisal roll for Harris County; or

20 (2) at least 50 persons who own property in the  
21 district, if there are more than 50 persons who own property in the  
22 district according to the most recent certified tax appraisal roll  
23 for Harris County.

24 SECTION 2. Section 3802.104, Special District Local Laws

1 Code, is repealed.

2           SECTION 3. 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, 2015.