

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 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) 1235, as Filed by Representative Phil King- Relating to the Authority of the annexation of certain territory by the Wise County Water Control and Improvement District No. 1

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 provides Wise County Water Control and Improvement District No. 1 (the "District") the authority to call an election in Wise County to annex all parts of Wise County not within the District's boundaries or within the boundaries of another water control and improvement district pursuant to provisions (including hearing and notice requirements) stated within Texas Water Code Section 49.302 (relating to adding land by petition of less than all the landowners). Notwithstanding the provisions of Water Code Section 49.302, the District's board may order the annexation and an election to approve the annexation by board resolution with or without a petition requesting the annexation. The ballot for an annexation election must provide for voting for or against: (1) the annexation of the territory; and (2) the assumption by the territory proposed to be annexed of its proportionate share of any outstanding debt of the District.

Sincerely,


Linda Brookins, Director
Water Supply Division

cc: Honorable Jim Keffer, Chairman, House Committee on Natural Resources
Representative Phil King, Texas House of Representatives

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 1235
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.

2/9/2015

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: King of Parker

H.B. No. 1235

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the annexation of certain territory by the Wise County
3 Water Control and Improvement District No. 1.

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

5 SECTION 1. DEFINITIONS. In this Act:

6 (1) "Board" means the district's board of directors.
7 (2) "District" means, unless the context requires
8 otherwise, the Wise County Water Control and Improvement District
9 No. 1.

10 SECTION 2. ANNEXATION OF TERRITORY IN WISE COUNTY. (a) The
11 board may call an election in Wise County to authorize the
12 district's annexation of all parts of Wise County that, on the
13 effective date of this Act, are not within:

14 (1) the district's boundaries; or
15 (2) the boundaries of another water control and
16 improvement district.

17 (b) The board may order the annexation and an election to
18 approve the annexation based on a resolution of the board with or
19 without a petition requesting the annexation.

20 (c) Except as provided by Subsection (b) of this section,
21 the annexation of territory and an election under this section must
22 conform to the requirements of Section 49.302, Water Code,
23 including any hearing and notice requirements.

24 (d) The ballot for an election under this section must be

1 printed to provide for voting for or against:

2 (1) the annexation of the territory; and

3 (2) the assumption by the territory proposed to be
4 annexed of its proportionate share of any outstanding debt of the
5 district.

6 SECTION 3. EFFECTIVE DATE. This Act takes effect
7 immediately if it receives a vote of two-thirds of all the members
8 elected to each house, as provided by Section 39, Article III, Texas
9 Constitution. If this Act does not receive the vote necessary for
10 immediate effect, this Act takes effect September 1, 2015.

AFFP
NOTICE OF INTENT TO FILE BILL

Affidavit of Publication

STATE OF TEXAS }
COUNTY OF WISE } SS

NOTICE OF INTENT
TO FILE BILL

Pursuant to the Constitution and the laws of the State of Texas, notice is hereby given of the intent to introduce a bill in the 84th Legislature of the State of Texas at its regular session in Austin, Texas, the substance of the contemplated law being as follows: An act relating to the annexation of certain territory by the Wise County Water Control and Improvement District No. 1.

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 the Constitution and the laws of the State of Texas.

Roy J. Eaton, being duly sworn, says:

That he is Publisher of the Wise County Messenger, a daily newspaper of general circulation, printed and published in Decatur, Wise County, Texas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

November 22, 2014

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Roy J. Eaton

Publisher

Subscribed to and sworn to me this 22nd day of November 2014.

Kristin M. Bennett

Kristin M. Bennett, Notary Public, Wise County, Texas

My commission expires: December 01, 2017

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AUSTIN, TX 78746

