

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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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) 1471, as Filed by Representative John Kuempel - Relating to the territory and board of the Canyon Regional Water Authority

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 would amend the enabling legislation for Canyon Regional Water Authority (the "Authority") to define a member entity as a water supply corporation or political subdivision that has been added to the Authority (by legislative action or petition as detailed in the Authority's enabling legislation) and whose territory has not been removed from the Authority. With the added definition of "member entity", the bill would remove references to water supply corporations that defined the Authority's boundaries in its enabling legislation, and further define the Authority's boundaries as the service area of the member entities' certificate of convenience and necessity (CCN). The bill would also remove the reference to TCEQ issued CCNs.

The bill also would amend the Authority's enabling legislation to specify that a trustee is not prohibited from serving as a trustee of the Authority and the governing body of a member entity.

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The bill would further define the Authority's eminent domain power to provide for the Authority to use such power in accordance with Texas Water Code Section 49.222 (relating to eminent domain). The bill would also repeal Sections 4.03(b) and (c) from the Authority's enabling legislation. Section 4.03(b) states, "[t]he authority must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, but the authority is not required to deposit in the trial court money or a bond as provided by Subsection (a), Section 21.021, Property Code. Section 4.03(c) states, "[i]n a condemnation proceeding brought by the authority, the authority is not required to pay in advance or give bond or other security for costs in the trial court, to give bond for the issuance of a temporary restraining order or a temporary injunction, or to give bond for costs or supersedes on an appeal or writ of error."

Sincerely,


Linda Brookins, Director
Water Supply Division

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

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 1471

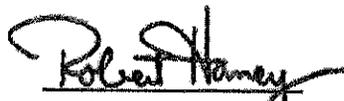
Bill Number

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.

2/19/2015

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: Kuempel

H.B. No. 1471

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the territory and board of the Canyon Regional Water
3 Authority.

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

5 SECTION 1. Section 1.02(a), Chapter 670, Acts of the 71st
6 Legislature, Regular Session, 1989, is amended by adding
7 Subdivision(4-a) to read as follows:

8 (4-a) "Member entity" means an entity, including a
9 water supply corporation, or political subdivision whose territory
10 has been added to the authority by virtue of legislative action or
11 in accordance with the procedures provided for in Section 7.01 and
12 whose territory has not been removed from the authority.

13 SECTION 2. Section 2.03(a), Chapter 670, Acts of the 71st
14 Legislature, Regular Session, 1989, is amended to read as follows:

15 (a) The authority includes all the territory located in the
16 service area of the member entities [~~Crystal Clear Water Supply~~
17 ~~Corporation, the East Central Water Supply Corporation, the Green~~
18 ~~Valley Water Supply Corporation, and the Springs Hill Water Supply~~
19 ~~Corporation]~~ as provided by their respective certificates of
20 convenience and necessity [~~issued by the commission~~].

21 SECTION 3. Section 3.02, Chapter 670, Acts of the 71st
22 Legislature, Regular Session, 1989, is amended to read as follows:

23 Sec. 3.02. QUALIFICATIONS OF TRUSTEES. (a) To be qualified
24 to serve as a trustee, a person must be:

1 (1) at least 18 years old; and
2 (2) a resident of the territory located in the
3 authority.

4 (b) A trustee who also serves on the governing body of a
5 member entity is not a dual officeholder and is not prohibited by
6 the common law doctrine of incompatibility from serving on both the
7 board and the governing body.

8 (c) Service on the board by a public officeholder is an
9 additional duty of that person's office.

10 SECTION 4. Section 4.03(a), Chapter 670, Acts of the 71st
11 Legislature, Regular Session, 1989, is amended to read as follows:

12 (a) The authority may exercise the power of eminent domain
13 as provided by Section 49.222, Water Code, to acquire by
14 condemnation a fee simple or other interest in property located in
15 the territory of the authority if the property interest is
16 necessary to the exercise of the rights or authority conferred by
17 this Act.

18 SECTION 5. Sections 4.03(b) and (c), Chapter 670, Acts of
19 the 71st Legislature, Regular Session, 1989, are repealed.

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

3 (c) The Texas Commission on Environmental Quality has filed
4 its recommendations relating to this Act with the governor, the
5 lieutenant governor, and the speaker of the house of
6 representatives within the required time.

7 (d) All requirements of the constitution and laws of this
8 state and the rules and procedures of the legislature with respect
9 to the notice, introduction, and passage of this Act are fulfilled
10 and accomplished.

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