

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 27, 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 (SB) 2832, as Filed by Representative John Zerwas - Relating to the powers and duties of the North Fort Bend 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 amends various sections of Chapter 8813 of the Special District Local Laws Code related to the North Fort Bend Water Authority (the "Authority") as follows:

Specifies that the Authority may not annex or add territory to the Authority that, at the time of annexation or addition, is located within the boundaries of both another regional water authority and a subsidence district.

Specifies that the Authority is not a special water authority for the purposes of Texas Water Code Chapter 49.

Makes the Authority's requirement to provide each district or municipality within its boundaries information regarding the share of the capital costs to be paid by the district or municipality and provide each district or municipality the opportunity to fund its share of the capital costs with proceeds from the sale of bonds or fees and charges discretionary rather than mandatory.

The Honorable Joe Straus

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March 27, 2015

The bill also validates and confirms all previous governmental acts and proceedings of the District that were taken, unless that matter is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

Sincerely,

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

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

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

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 2832
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.

3/12/2015

Date transmitted to
Governor's Office

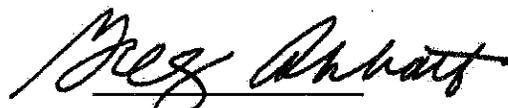

Chief Clerk
House of Representatives

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.

March 16, 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: Zerwas

H.B. No. 2832

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the powers and duties of the North Fort Bend Water
3 Authority.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5 SECTION 1. Section 8813.006, Special District Local Laws
6 Code, is amended by adding Subsection (g) to read as follows:

7 (g) Notwithstanding any provision of this section or other
8 law, no territory may be annexed into or added to the authority
9 that, at the time of annexation or addition, is located within the
10 boundaries of both:

11 (1) another regional water authority created under
12 Section 59, Article XVI, Texas Constitution; and

13 (2) a subsidence district.

14 SECTION 2. Section 8813.101, Special District Local Laws
15 Code, is amended by adding Subsection (e) to read as follows:

16 (e) The authority is not a special water authority for
17 purposes of Chapter 49, Water Code.

18 SECTION 3. Section 8813.104(b), Special District Local Laws
19 Code, is amended to read as follows:

20 (b) The authority may ~~[shall]~~ provide each district or
21 municipality within its boundaries information regarding the share
22 of the capital costs to be paid by the district or municipality, as
23 determined by the authority, and may ~~[shall]~~ provide each district
24 or municipality the opportunity, in a manner and by a procedure

1 determined by the authority, to fund its share of the capital costs
2 with proceeds from the sale of bonds or fees and charges collected
3 by the districts or municipalities. A district or municipality may
4 use any lawful source of revenue, including bond funds, to pay any
5 sums due to the authority.

6 SECTION 4. Except as provided by this Act, the North Fort
7 Bend Water Authority retains all the rights, powers, privileges,
8 authority, duties, and functions that it had before the effective
9 date of this Act.

10 SECTION 5. (a) The legislature validates and confirms all
11 acts and proceedings of the board of directors of the North Fort
12 Bend Water Authority that were taken before the effective date of
13 this Act.

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

16 (1) is involved in litigation if the litigation
17 ultimately results in the matter being held invalid by a final
18 judgment of a court; or

19 (2) has been held invalid by a final judgment of a
20 court.

21 SECTION 6. Section 8813.006(g), Special District Local Laws
22 Code, as added by this Act, applies only to an annexation or
23 addition of land that is completed on or after the effective date of
24 this Act. An annexation or addition of land that is completed before
25 the effective date of this Act is governed by the law in effect on
26 the date the annexation or addition was completed, and the former
27 law is continued in effect for that purpose.

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

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

COUNTY OF HARRIS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES, POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA 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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Edward Silva
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this the 15th Day of January A.D. 2015



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

**NOTICE OF INTENTION
TO INTRODUCE A BILL
IN THE LEGISLATURE
OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 84th Legislature of Texas a bill relating to the powers and authority of the North Fort Bend Water Authority.



Legal Notices

To place legal notices
call 713.224.6868

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