

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

April 17, 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) 4150, as Filed by Representative Borris Miles - Relating to the powers and the board of the Harris County Improvement District No. 12.

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 (SDLLC) Chapter 3880, related to Harris County Improvement District No. 12 (the "District") as detailed below.

Specifies that the District is a governmental unit, as provided by Local Government Code and Chapter 3880 does not waive any governmental or sovereign immunity from suit, liability, or judgment that would otherwise apply to the District.

Adds road facilities, parking facilities, recreational facilities, and public art objects to list of facilities/projects of the District that promote the health, safety, welfare, and enjoyment of the public.

Specifies that SDLLC Chapter 3880 prevails over any provision of general law, including a provision of Chapter 375, Local Government Code, or Chapter 49, Water Code, that is in conflict or inconsistent with said chapter.

Specifies that Water Code Section 49.052 (relating to disqualifications of directors) applies to the District, and that a director of the District is not required to: (1) own property in the District; (2) own a beneficial interest in a trust that owns property within the District; or (3) be an agent, employee, or tenant of a person covered by the aforementioned (1) or (2).

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Specifies the District's rule and regulation authority, and allows the District to enforce rules governing the District's public parking facilities.

Specifies that the District's assets escheat to the state upon dissolution.

The bill confirms and validates all actions of the District that relate to the bond and tax election held in the District on November 8, 2011. The confirmation and validation does not apply to any matter that on the effective date of the bill: (1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or (2) has been held invalid by a final court judgment.

Sincerely,



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

cc: Honorable Garnet Coleman, Chairman, House Committee on County Affairs
Representative Boris Miles, Texas House of Representatives

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS


HB 4150
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.

3/26/2015

Date transmitted to
Governor's Office

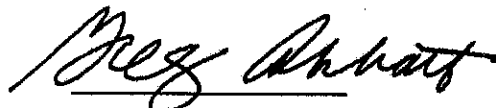

Chief Clerk
House of Representatives

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.

03/27/2015

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



84R HB 04150