

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 15, 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) 4166, as Filed by Representative Mike Schofield -Relating to the powers and duties and composition of the board of directors of the Bridgeland Management 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 Chapter 3901 of the Special District Local Laws Code related to Bridgeland Management District (the "District") as detailed below.

Specifies that the District is a governmental unit under Chapter 375.004, Local Government Code; however, it does not waive any governmental or sovereign immunity from suit, liability, or judgment that would otherwise apply to the District.

Adds transit facilities, parking facilities, conduit facilities, rail facilities, and public art to the list of public facilities the District may provide.

Specifies that Chapter 3901 prevails over any conflicting provision within Chapter 49, Water Code (currently only Chapter 375, Local Government Code is included).

Specifies that Water Code Section 49.052, relating to disqualifications of board members, applies to the District.

Further defines the governing authority over which the District develops and/or finances a road facility by adding Section 59, Article XVI, Texas Constitution to the applicable governing statutes.

Specifies that the District may own, operate, and maintain a road facility. Currently, the District is to convey a road facility to the state, a county, or a municipality for operation and maintenance.

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Specifies that Water Code Section 49.216, relating to enforcement by peace officers, applies to the District.

Specifies that the District may use the contract delivery provisions within Subchapter I, Water Code, or Chapter 2269, Government Code (including the design-build method).

Specifies that if the District adopts a sales and use tax authorized at an election and subsequently includes new territory in the District, the District: (1) is not required to hold another election to approve the imposition of the sales and use tax in the included territory; and (2) shall impose the sales and use tax in the included territory as provided by Chapter 321, Tax Code. Additionally, if after imposing a sales and use tax land is excluded from the District, the tax does not apply to the excluded land.

Specifies that the District may adopt and enforce rules.

Clarifies that the District may provide mass transit systems as provided by Chapter 375, Local Government Code.

Allows the District to finance, acquire, construct, improve, operate, maintain, or charge a fee for the use of conduits for: (1) fiber-optic cable and supporting facilities; (2) electronic transmission and distribution lines and supporting facilities; or (3) other types of transmission and distribution lines and supporting facilities. However, the District may not require a person to use said conduits.

Specifies that the District may elect to complete an annual financial report in lieu of an annual audit if the District meets the criteria specified for districts operating under Chapter 49, Water Code. The bill requires the District to file this information with the TCEQ.

The bill removes certain methods (dissolution by petition by owners of property and requirements that the District may not be dissolved if it has outstanding bonded indebtedness) of dissolution of the District, and specifies that on dissolution of the District, the board shall determine whether the District's assets will escheat to the state or are transferred to a political subdivision of the state.

Sincerely,



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

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

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 4166
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.

4/6/2015

Date transmitted to
Governor's Office

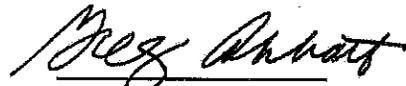

Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

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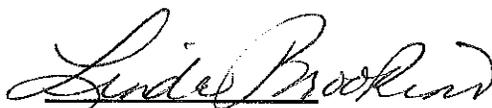
April 6, 2015

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

