

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

May 8, 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) 4205, as Filed by Representative Cecil Bell - Relating to powers and duties of the Porter Special Utility District; providing authority to establish defined areas or designated property, to issue bonds, and to impose taxes for the benefit of defined areas or designated property; granting a limited power of eminent domain in the defined areas or designated property

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 codifies Porter Special Utility District (the "District") in Chapter 7220, Special District local Laws Code as a special utility district operating under Chapters 49 and 65, Water Code. The bill allows the District to establish and maintain defined areas or designated property in accordance with Subchapter J, Chapter 54, Water Code, including the power to impose taxes and issue bonds in the defined areas or designated property. The bill allows the District to levy an operations and maintenance tax by specifying that Water Code Section 65.235, relating to the prohibition of said tax, does not apply to the District.

The bill allows the District to annex land to an existing defined area or designated property in the same manner as land annexed to a district as provided by Sections 49.301 (adding land by petition of landowner) and 49.302 (adding land by petition of less than all the land owners), Water Code. Land annexed to a defined area or designated property must also be included in the district but is not required to be contiguous to the defined area or designated property into which it is annexed.

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In a defined area or designated property created by the District, the District has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code.

Sincerely,

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

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

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

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 4205

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.

4/22/2015

Date transmitted to
Governor's Office



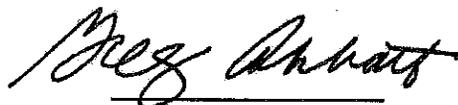
Chief Clerk
House of Representatives

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.

April 23, 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 04205