

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 14, 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) 4207, as Filed by Representative Geanie Morrison-Relating to the creation of the Aransas County Groundwater Conservation District; providing authority to issue bonds and impose a tax; providing general law authority to impose fees and surcharges.

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.

Sincerely,

A handwritten signature in cursive script that reads "Kellye Rila".

Kellye Rila, Director
Water Availability Division

cc: The Honorable Jim Keffer, Chairman, House Natural Resources Committee
Representative Geanie Morrison, Texas House of Representatives

Enclosure

**HB 4207, as Introduced by Representative Geanie Morrison
Texas Commission on Environmental Quality's Comments**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

House Bill 4207, as authored by Representative Geanie Morrison, would create, subject to a confirmation election, the Aransas County Groundwater Conservation District (District) in Aransas County with the powers and duties of Water Code, Chapter 36 related to the general law for groundwater conservation districts (GCDs). The boundaries of the District are coextensive with the boundaries of Aransas County. The purpose of the District is to benefit property by providing for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and to control subsidence caused by the withdrawal of groundwater under powers conferred by Article XVI, Section 59 of the Texas Constitution. Creation of the District is subject to a confirmation election.

Comments on Powers/Duties Different from Similar Types of Districts – Unlike general law GCDs, the Commissioners Court of Aransas County shall, within 10 days of September 1, 2015, appoint five temporary directors with one from each of the four commission precincts and one at-large who resides in the District. The temporary directors are required to have an organizational meeting as soon as practicable after all have qualified to elect officers. Before January 1, 2016, the temporary directors are required to order a District confirmation election and hold the election on a uniform election date in May 2016. If creation of the District is confirmed at the election, the temporary directors become the initial directors and will draw lots for two- and four-year terms. On the November uniform election date of the first even-numbered year after the confirmation election, and every two years afterward, a directors' election will be held using the commissioners precinct method with one elected from each of the four precincts and one from the county elected at-large. The directors will serve staggered four-year terms. Under the Water Code, general law GCD directors are elected by the single-precinct method.

Unlike general law GCDs, the District may not exercise the power of eminent domain or impose an ad valorem tax that exceeds one cent on each \$100 of assessed valuation. Under the Water Code, general law GCDs may exercise the power of eminent domain and may impose a voter-approved ad valorem tax that does not exceed fifty cents on each \$100 of assessed valuation to pay for operation and maintenance expenses.

Overlapping Services – The boundaries of the District are coextensive with the boundaries of Aransas County. GCD functions do not conflict with services provided by other types of water districts or utilities.

TCEQ's Supervision – As with general law GCDs, the TCEQ will have general supervisory authority, including bond review authority and authority as it is related to the District's development and implementation of a management plan; the District would not have to comply with TCEQ financial auditing requirements.

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 4207

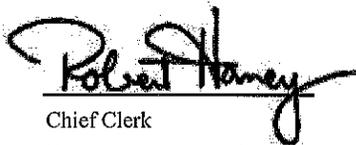
Bill Number

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.

4/28/2015

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.

May 11, 2015

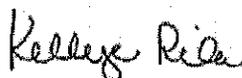
Date transmitted to
Texas Commission on Environmental Quality


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



04R HB 04207