

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
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Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 21, 2017

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) 1523, as Filed by Representative Paul Workman - Relating to the creation of the Southwest Travis County Special Utility District; providing authority to issue bonds; granting a limited power of eminent domain; providing authority to impose fees and assessments.

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 "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Jim Murphy, Chairman, House Special Purpose Districts Committee
Representative Paul Workman, Texas House of Representatives

Enclosure

**HB1523, as Filed by Representative Paul Workman
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:

This bill amends the Special District Local Laws Code by adding Chapter 7221 which creates Southwest Travis County Special Utility District (District) with the powers and duties of a standard special utility district under Water Code Chapters 49 and 65.

Comments on Powers/Duties Different from Similar Types of Districts: The District would have the power and authority to acquire by condemnation any land, easement, or other property located inside or outside the boundaries of the district for any water-related District project or purpose; the District may not exercise the power of eminent domain to condemn land, easements, or other property located outside the boundaries of the District for sanitary sewer purposes; this bill allows for the dissolution and transfer of obligations to a water control and improvement district (WCID); section 2 describes the initial territory and boundaries of the district as follows: all the territory contained in the southwest portion of Travis County as described in the Texas Commission on Environmental Quality's report on the *Groundwater Conservation District Recommendation for Hill Country Priority Groundwater Management Area - Western Comal and Southwestern Travis Counties – 2010*, bound to the west by Blanco and Burnet counties, southwest by Hays County, and southeast by the northwestern boundary of the Barton Springs/Edwards Aquifer Conservation District. The northern boundary of the southwestern Travis territory is the Colorado River (Lake Travis, Lake Austin, and Lady Bird Lake) with the exceptions that the District does not include territory located in the service area of a utility that has been granted a certificate of convenience and necessity to provide water, or in a municipal utility district, a special utility district, or a water control and improvement district in the existence on the effective date of this act; section 3 confirms the legal notice of intention has been published and the appropriate notices sent; section 4 amends section 7221.102 if the bill does not receive a two-thirds vote of all members elected to each house, to read that the District may not exercise the power of eminent domain; and section 5 of the bill states that the bill will take effect immediately if it receives two-thirds vote

of all the members in each house, otherwise the bill takes effect September 1, 2017.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 1523

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.

2/15/2017

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.

February 22, 2017

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



85R HB 01523