

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 7, 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) 2952, as Filed by Representative Joe Deshotel - Relating to the powers and duties of the Sabine-Neches Navigation District of Jefferson County.

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 makes several changes to Chapter 1472, Acts of the 77<sup>th</sup> Legislature, Regular Session, 2001, regarding the Sabine-Neches Navigation District of Jefferson County; the bill amends Section 5 to specify that this Act prevails over any provision of general law that is in conflict or inconsistent with this Act except that a provision of general law that is in conflict or inconsistent with this Act prevails to the extent that the TCEQ exercises a power under that general law provision and that exercise is authorized by an order or resolution expressly referring to that general law provision; the bill amends Section 6A by adding Subsection (a-1) which specifies that the District may acquire, purchase, lease, maintain, repair, and operate facilities and equipment for preventing, detecting, controlling, and fighting fires on or adjacent to the Sabine-Neches Waterway and for the protection of life and property from damage by fire and explosion; the bill amends Section 6B as follows: language is added to Subsection (f) which specifies that the District may pledge to impose and may impose a maintenance tax in an amount sufficient to comply with the District's obligations under the District's contracts, leases, and agreements at a maximum aggregate rate not to exceed 10 cents for each \$100 valuation of taxable property in the District; Subsection (i) is added which specifies that the District may: request a person designated by the District to create a domestic entity under the Business Organizations Code; and approve the provisions of the certificate of formation, the provisions of the bylaws, and the initial members of the governing body of the domestic entity; Subsection (j) is added which specifies that the provisions of the certificate of formation and the bylaws under Subsection (i) may include provisions that: provide that the certificate and the bylaws may not be amended without the consent of the District; and require the approval of the District of all members of the governing body of the domestic entity; Subsection (k) is added which specifies that the domestic

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entity created under Subsection (i) does not have the power of eminent domain; Subsection (l) is added which specifies that the domestic entity created under Subsection (i) is created for the purpose of financing all or a portion of the improvement project with funds from any private, public, or governmental source, including the District; Subsection (m) is added which specifies that the District may enter into a contract with the domestic entity to pay a portion of the amount to finance the improvement project. The District may pledge the proceeds of the District's maintenance tax to any contract with the domestic entity in the same manner as provided by Subsection (f); and, Senate Bill 1361 by Sen. Creighton is the companion to this proposed bill.

Sincerely,

A handwritten signature in cursive script that reads "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director  
Water Supply Division

cc: Honorable Lyle Larson, Chairman, House Natural Resources Committee  
Representative Joe Deshotel, Texas House of Representatives

LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

HB 2952

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.

3/6/2017

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.

March 13, 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 02952