

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 20, 2017

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

Senate Bill (SB) 2248, as Filed by Senator Brandon Creighton - Relating to the powers of the Harris County Improvement District No. 17.

Dear Governor Patrick:

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.

This bill amends Subchapter C, Chapter 3891, Special District Local Laws Code relating to Harris County Improvement District No. 17 (District) by authorizing the District to enforce a real property restriction in the manner provided by Section 54.237, Water Code, if necessary; this bill also amends Subchapter D, Chapter 3891, Special District Local Laws Code relating to the District by granting the District the powers of a Municipal Utility District under Subchapter J, Chapter 54, Water Code, including the power to implement a plan, issue bonds, and impose a tax in a defined area established under that subchapter; and, House Bill 1798 and the duplicate House bill 1800 by Rep. Oliverson are the companions 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 Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Dawn Buckingham, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 2248

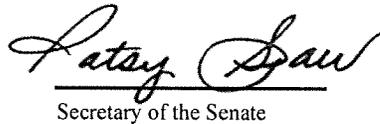
Bill Number

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.

3/21/2017

Date transmitted to
Governor's Office



Secretary of the Senate

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 24, 2017

Date transmitted to
Texas Commission on Environmental Quality



Governor

TO: The Honorable President of the Senate
The Honorable Speaker of the House of Representatives
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

By: Creighton

S.B. No. 2248

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the powers of the Harris County Improvement District
3 No. 17.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter C, Chapter 3891, Special District
6 Local Laws Code, is amended by adding Section 3891.109 to read as
7 follows:

8 Sec. 3891.109. ENFORCEMENT OF REAL PROPERTY RESTRICTIONS.
9 The district may enforce a real property restriction in the manner
10 provided by Section 54.237, Water Code, if, in the reasonable
11 judgment of the board, the enforcement of the restriction is
12 necessary.

13 SECTION 2. Subchapter D, Chapter 3891, Special District
14 Local Laws Code, is amended by adding Section 3891.159 to read as
15 follows:

16 Sec. 3891.159. POWERS OF MUNICIPAL UTILITY DISTRICT TO
17 ESTABLISH DEFINED AREAS AND DESIGNATED PROPERTY; TAXES; BONDS. (a)
18 The district has the powers of a municipal utility district under
19 Subchapter J, Chapter 54, Water Code, including the power to:

20 (1) implement a plan;
21 (2) issue bonds; and
22 (3) impose a tax in a defined area established under
23 that subchapter.

24 (b) The district may exercise the powers described by

1 Subsection (a) regardless of whether the district is composed of
2 the minimum number of acres provided by Section 54.801, Water Code.

3 SECTION 3. (a) The legal notice of the intention to
4 introduce this Act, setting forth the general substance of this
5 Act, has been published as provided by law, and the notice and a
6 copy of this Act have been furnished to all persons, agencies,
7 officials, or entities to which they are required to be furnished
8 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9 Government Code.

10 (b) The governor, one of the required recipients, has
11 submitted the notice and Act to the Texas Commission on
12 Environmental Quality.

13 (c) The Texas Commission on Environmental Quality has filed
14 its recommendations relating to this Act with the governor,
15 lieutenant governor, and speaker of the house of representatives
16 within the required time.

17 (d) The general law relating to consent by political
18 subdivisions to the creation of districts with conservation,
19 reclamation, and road powers and the inclusion of land in those
20 districts has been complied with.

21 (e) All requirements of the constitution and laws of this
22 state and the rules and procedures of the legislature with respect
23 to the notice, introduction, and passage of this Act have been
24 fulfilled and accomplished.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 2248

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2017.

**NOTICE OF INTENTION TO INTRODUCE A BILL/AMEND
CHAPTER 3891/TEXAS SPECIAL DISTRICTS LOCAL LAW CODE
AFFIDAVIT OF PUBLICATION
The State of Texas**

The Affiant, Valerie Moy, having knowledge of the matters hereinafter set forth, after being duly sworn, deposes and states under oath that the following statements are true and correct;

1. Affiant is the Classified Administrator of the Houston Business Journal; A weekly newspaper published in Harris County, Texas and of general circulation in Harris, Chambers, Liberty, Montgomery, Waller, Fort Bend, Brazoria and Galveston Counties.
2. The notice, of which the annexed is true copy, was published on January 13, 2017 in the classified advertising of the Houston Business Journal.

Further Affiant sayeth not.

Executed this the 17th day of January, 2017.

Affiant: Valerie Moy
Printed Name: Valerie Moy

SUBSCRIBED AND SWORN BEFORE ME, on 17th day of January, 2017.

by Lenora Gale Black
Notary Public

Lenora Gale Black
Printed of Typed Name of Notary

