

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 12, 2019

The Honorable Dennis Bonnen
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) 4424, as Filed by Representative Ed Thompson - Relating to the creation of the Clear Creek Watershed Regional Flood Control District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; providing a civil penalty

Dear Speaker Bonnen:

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 codifies Clear Creek Watershed Regional Flood Control District (District) as Chapter 7813, Special District Local Laws Code with the powers and duties of a standard drainage district under Water Code Chapter 56 and a standard levee improvement district under Water Code Chapter 57. The District is governed by a board of five appointed directors. One director is appointed by the each of the commissioners courts of Brazoria County, Fort Bend County, and Galveston County. Two directors are appointed by the commissioners court of Harris County. A director is not entitled to receive compensation for service on the board. A director may be reimbursed for actual district travel expenses. The District shall develop and adopt, and as necessary amend, a flood control and drainage plan for all land in the District. The District may only construct improvements compatible with the flood control and drainage plan. If the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Sincerely,

A handwritten signature in cursive script, reading "Cari-Michel La Caille".

Cari-Michel La Caille, Director
Water Supply Division

cc: Honorable Lyle Larson, Chairman, House Natural Resources Committee
Representative Ed Thompson, Texas House of Representatives

HB 4424, as Filed by Representative Ed Thompson
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 creates Clear Creek Watershed Regional Flood Control District (District) with the powers and duties of a standard drainage district under Water Code Chapter 56 and a standard levee improvement district under Water Code Chapter 57.

Comments on Powers/Duties Different from Similar Types of Districts: The District is governed by a board of five appointed directors; one director is appointed by each of the commissioners courts of Brazoria County, Fort Bend County, and Galveston County; two directors are appointed by the commissioners court of Harris County; a director is not entitled to receive compensation for service on the board; a director may be reimbursed for actual district travel expenses; the bill specifies that the District shall develop and adopt, and as necessary amend, a flood control and drainage plan for all land in the District; the District may only construct improvements compatible with the flood control and drainage plan; and if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

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 4424

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.

3/8/2019

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 18, 2019

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



86R HB 04424