

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

March 30, 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) 994, as Filed by Senator Brandon Creighton - Relating to providing road powers to the Montgomery County Municipal Utility District No. 130; providing authority to issue bonds.

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 the Special District Local Laws Code by adding Chapter 7966 relating to the Montgomery County Municipal Utility District No. 130 (District); this bill grants the District road powers; the bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District; and, House Bill 1445 by Rep. Bell is the companion to this proposed bill.

Sincerely,

A handwritten signature in black ink, reading "Cari-Michel LaCaille".

Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Brandon Creighton, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 994

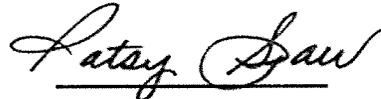
Bill Number

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.

2/22/2017

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 3, 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.



Catherine Truitt

Texas Commission on Environmental Quality

By: Creighton

S.B. No. 994

A BILL TO BE ENTITLED

AN ACT

1
2 relating to providing road district powers to the Montgomery County
3 Municipal Utility District No. 130; providing authority to issue
4 bonds.

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

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 7966 to read as follows:

8 CHAPTER 7966. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

9 NO. 130

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7966.001. DEFINITION. In this chapter, "district"
12 means the Montgomery County Municipal Utility District No. 130.

13 Sec. 7966.002. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
14 The district is created to serve a public purpose and benefit.

15 (b) The district is created to accomplish the purposes of:

16 (1) a municipal utility district as provided by
17 general law and Section 59, Article XVI, Texas Constitution; and

18 (2) Section 52, Article III, Texas Constitution, that
19 relate to the construction, acquisition, improvement, operation,
20 or maintenance of macadamized, graveled, or paved roads, or
21 improvements, including storm drainage, in aid of those roads.

22 SUBCHAPTER B. POWERS AND DUTIES

23 Sec. 7966.101. AUTHORITY FOR ROAD PROJECTS. Under Section
24 52, Article III, Texas Constitution, the district may design,

1 acquire, construct, finance, issue bonds for, improve, operate,
2 maintain, and convey to this state, a county, or a municipality for
3 operation and maintenance macadamized, graveled, or paved roads, or
4 improvements, including storm drainage, in aid of those roads.

5 Sec. 7966.102. ROAD STANDARDS AND REQUIREMENTS. (a) A road
6 project must meet all applicable construction standards, zoning and
7 subdivision requirements, and regulations of each municipality in
8 whose corporate limits or extraterritorial jurisdiction the road
9 project is located.

10 (b) If a road project is not located in the corporate limits
11 or extraterritorial jurisdiction of a municipality, the road
12 project must meet all applicable construction standards,
13 subdivision requirements, and regulations of each county in which
14 the road project is located.

15 (c) If the state will maintain and operate the road, the
16 Texas Transportation Commission must approve the plans and
17 specifications of the road project.

18 SUBCHAPTER C. BONDS

19 Sec. 7966.201. BONDS FOR ROAD PROJECTS. At the time of
20 issuance, the total principal amount of bonds or other obligations
21 issued or incurred to finance road projects and payable from ad
22 valorem taxes may not exceed one-fourth of the assessed value of the
23 real property in the district.

24 SECTION 2. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

4 (b) The governor, one of the required recipients, has
5 submitted the notice and Act to the Texas Commission on
6 Environmental Quality.

7 (c) The Texas Commission on Environmental Quality has filed
8 its recommendations relating to this Act with the governor, the
9 lieutenant governor, and the speaker of the house of
10 representatives within the required time.

11 (d) All requirements of the constitution and laws of this
12 state and the rules and procedures of the legislature with respect
13 to the notice, introduction, and passage of this Act are fulfilled
14 and accomplished.

15 SECTION 3. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.

**PUBLISHER'S AFFIDAVIT
STATE OF TEXAS
COUNTY OF MONTGOMERY**

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MONTE WEST WHO BEING BY ME DULY SWORN, DEPOSES AND SAYS THAT HE IS AN AGENT TO THE PUBLISHER OF THE MONTGOMERY COUNTY NEWS, THAT SAID NEWSPAPER IS REGULARLY PUBLISHED IN MONTGOMERY COUNTY, TEXAS, AND GENERALLY CIRCULATED IN MONTGOMERY COUNTY, TEXAS; AND THAT THE NOTICE, A COPY OF WHICH IS HERETO ATTACHED, WAS PUBLISHED IN SAID NEWSPAPER ON THE FOLLOWING DAYS:

_____ 28th DAY(S) OF December, 2016.

Case/Cause# LEGAL NOTICE FOR M.C. MUD # 130

[Signature]
PUBLISHER/PUBLISHER'S REPRESENTATIVE, MONTE WEST

NOTARY:



MY COMMISSION EXPIRES: 01-02-2019

AFFIX NOTARY SEAL ABOVE:

SWORN AND SUBSCRIBED TO ME ON THIS THE 28th DAY OF December, 2016, TO CERTIFY WHICH WITNESS MY HAND AND SEAL OF OFFICE.

[Signature] MERRILY THOMPSON
NOTARY PUBLIC SIGNATURE IN AND FOR THE STATE OF TEXAS PRINTED OR TYPED NAME OF NOTARY PUBLIC

LEGAL

LEGAL

LEGAL

LEGAL

**NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 85th Legislature of Texas a bill relating to the powers and duties of Montgomery County Municipal Utility District No. 130. The general substance of the law is as follows: AN ACT relating to the powers and duties of Montgomery County Municipal Utility District No. 130; containing other provisions related to the subject; and finding that notice of the introduction of the bill has been given.

Published Date: December 28, 2016

**NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 85th Legislature of Texas a bill relating to the powers and duties of Montgomery County Municipal Utility District No. 131. The general substance of the law is as follows: AN ACT relating to the powers and duties of Montgomery County Municipal Utility District No. 131; containing other provisions related to the subject; and finding that notice of the introduction of the bill has been given.

Published Date: December 28, 2016

**NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 85th Legislature of Texas a bill creating and establishing a special district consisting of approximately 1,121 acres and located within the following surveys: Edward Taylor Survey, Abstract No. 554; Charles Frazier Survey, Abstract No. 206; Andrew J. Hensley Survey, Abstract No. 255 Azariah Prather Survey, Abstract No. 427; and the Leander Westcott Survey, Abstract No. 616; and partially within the extraterritorial jurisdiction of the City of Magnolia, Montgomery County, Texas, to be known as Montgomery County Municipal Utility District No. 154, under the provisions of Article 16, Section 59 of the Constitution of Texas and pursuant to the inherent power of the Legislature to create special government agencies and districts, with powers including those given to municipal utility districts operating pursuant to Chapters 49 and 54, Texas Water Code, and including road powers under Article III, Section 52 of the Constitution of Texas. The bill will provide for the district's administration, powers, name, duties, operation, and financing. If you would like a copy of the full legal description of the property to be included in the district, please call Julie Kime at (713) 623-4531.

Published Date: December 28, 2016

**NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 85th Legislature of Texas a bill relating to the powers and duties of Wood Trace Municipal Utility District No. 3, of Montgomery County, Texas. The general substance of the law is as follows: AN ACT relating to the powers and duties of Wood Trace Municipal Utility District No. 3, of Montgomery County, Texas; containing other provisions related to the subject; and finding that notice of the introduction of the bill has been given.

Published Date: December 28, 2016

**NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS**

Notice is hereby given of the intention to introduce in the Regular Session of the 85th Legislature of Texas a bill relating to the powers and duties of Wood Trace Municipal Utility District No. 1, of Montgomery County, Texas. The general substance of the law is as follows: AN ACT relating to the powers and duties of Wood Trace Municipal Utility District No. 1, of Montgomery County, Texas; containing other provisions related to the subject; and finding that notice of the introduction of the bill has been given.

Published Date: December 28, 2016