

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 21, 2019

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) 769, as Filed by Senator Robert Nichols - Relating to the powers and duties of Montgomery County Municipal Utility District No. 101.

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.

The bill amends Chapter 8120, Special District Local Laws Code by allowing the Montgomery County Municipal Utility District No. 101 to divide.

Sincerely,

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

Cari-Michel La Caille, Director
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Robert Nichols, Texas Senate

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 769

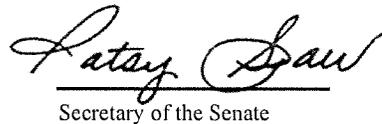
Bill Number

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.

2/14/2019

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.

February 22, 2019

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: Nichols

S.B. No. 769

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the powers and duties of Montgomery County Municipal
3 Utility District No. 101.

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

5 SECTION 1. Subchapter C, Chapter 8120, Special District
6 Local Laws Code, is amended by adding Section 8120.106 to read as
7 follows:

8 Sec. 8120.106. DIVISION OF DISTRICT. (a) The district may
9 be divided into two or more new districts only if the district:

10 (1) has no outstanding bonded debt; and

11 (2) is not imposing ad valorem taxes.

12 (b) This chapter applies to any new district created by the
13 division of the district, and a new district has all the powers and
14 duties of the district.

15 (c) Any new district created by the division of the district
16 may not, at the time the new district is created, contain any land
17 outside the area described by Section 2 of the Act enacting this
18 chapter.

19 (d) The board, on its own motion or on receipt of a petition
20 signed by the owner or owners of a majority of the assessed value of
21 the real property in the district, may adopt an order dividing the
22 district.

23 (e) The board may adopt an order dividing the district
24 before or after the date the board holds an election under Section

1 8120.023 to confirm the district's creation.

2 (f) An order dividing the district must:

3 (1) name each new district;

4 (2) include the metes and bounds description of the
5 territory of each new district;

6 (3) appoint temporary directors for each new district;

7 and

8 (4) provide for the division of assets and liabilities
9 between or among the new districts.

10 (g) On or before the 30th day after the date of adoption of
11 an order dividing the district, the district shall file the order
12 with the commission and record the order in the real property
13 records of each county in which the district is located.

14 (h) Any new district created by the division of the district
15 shall hold a confirmation and directors' election as required by
16 Section 8120.023.

17 (i) Municipal consent to the creation of the district and to
18 the inclusion of land in the district acts as municipal consent to
19 the creation of any new district created by the division of the
20 district and to the inclusion of land in the new district.

21 (j) Any new district created by the division of the district
22 must hold an election as required by law to obtain voter approval
23 before the district may impose a maintenance tax or issue bonds
24 payable wholly or partly from ad valorem taxes.

25 (k) If the creation of the new district is confirmed, the
26 new district shall provide the election date and results to the
27 commission.

S.B. No. 769

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2019.



AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES, POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

101 MONTGOMERY COUNTY MUD 0000188740 HC013971322

RAN A LEGAL NOTICE

SIZE BEING: 2 x11 L

Product
CNCC-The Courier

Date
Feb 8 2019

Class
Legal Notices

Page

Victoria Bond *TR Clerk*
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 8th Day of February A.D. 2019



Charles E. Walichowski
Notary Public in and for the State of Texas

**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 86th Legislature of Texas a bill relating to the powers and duties of Montgomery County Municipal Utility District No. 101. The general substance of the law is as follows: AN ACT relating to the powers and duties of Montgomery County Municipal Utility District No. 101; containing other provisions related to the subject; and finding that notice of the introduction of the bill has been given.