

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*

May 4, 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) 2264, as Filed by Senator Lois W. Kolkhorst - Relating to the powers and duties of the Fort Bend County Municipal Management District No. 1; authorizing the imposition of a tax.

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 Chapter 3927, Special District Local Laws Code related to the Fort Bend County Municipal Management District No. 1 (District); this bill adds Section 3927.055, which allows the District to compensate each director in an amount not to exceed \$150 for each board meeting. The total amount of compensation for each director in one year may not exceed \$7,200. The bill also specifies that a director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board; this bill adds Section 3927.207 which allows the District to impose a sales and use tax if authorized by a majority of the voters of the District voting at an election called for that purpose. Revenue from the tax may be used for any purpose for which ad valorem tax revenue of the District may be used. The bill specifies that the District may not adopt a sales and use tax if as a result of the adoption of the tax the combined rate of all sales and use taxes imposed by the District and other political subdivisions of this state having territory in the District would exceed two percent at any location in the District. The bill further specifies that Chapter 321, Tax Code, applies to

Hon. Dan Patrick  
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May 4, 2017

the imposition, computation, administration, enforcement, and collection of the sales and use tax imposed by this section except to the extent it is inconsistent with this chapter; and, House Bill 4292 by Rep. Zerwas 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 Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee  
Senator Lois W. Kolkhorst, Texas Senate

LETTER OF TRANSMITTAL  
TEXAS SENATE  
STATE OF TEXAS

SB 2264

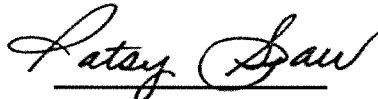
Bill Number

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.

4/3/2017

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.

April 7, 2017

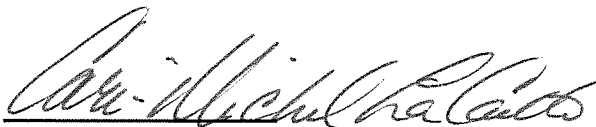
Date transmitted to  
Texas Commission on Environmental Quality



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: Kolkhorst

S.B. No. 2264

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the powers and duties of the Fort Bend County Municipal  
3 Management District No. 1; authorizing the imposition of a tax.

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

5 SECTION 1. Subchapter B, Chapter 3927, Special District  
6 Local Laws Code, is amended by adding Section 3927.055 to read as  
7 follows:

8 Sec. 3927.055. COMPENSATION; EXPENSES. (a) The district  
9 may compensate each director in an amount not to exceed \$150 for  
10 each board meeting. The total amount of compensation for each  
11 director in one year may not exceed \$7,200.

12 (b) A director is entitled to reimbursement for necessary  
13 and reasonable expenses incurred in carrying out the duties and  
14 responsibilities of the board.

15 SECTION 2. Subchapter E, Chapter 3927, Special District  
16 Local Laws Code, is amended by adding Section 3927.207 to read as  
17 follows:

18 Sec. 3927.207. SALES AND USE TAX. (a) The district may  
19 impose a sales and use tax if authorized by a majority of the voters  
20 of the district voting at an election called for that purpose.  
21 Revenue from the tax may be used for any purpose for which ad  
22 valorem tax revenue of the district may be used.

23 (b) The district may not adopt a sales and use tax if as a  
24 result of the adoption of the tax the combined rate of all sales and

1 use taxes imposed by the district and other political subdivisions  
2 of this state having territory in the district would exceed two  
3 percent at any location in the district.

4 (c) If the voters of the district approve the adoption of  
5 the tax at an election held on the same election date on which  
6 another political subdivision adopts a sales and use tax or  
7 approves an increase in the rate of its sales and use tax and as a  
8 result the combined rate of all sales and use taxes imposed by the  
9 district and other political subdivisions of this state having  
10 territory in the district would exceed two percent at any location  
11 in the district, the election to adopt a sales and use tax under  
12 this chapter has no effect.

13 (d) Chapter 321, Tax Code, applies to the imposition,  
14 computation, administration, enforcement, and collection of the  
15 sales and use tax imposed by this section except to the extent it is  
16 inconsistent with this chapter.

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

24 (b) The governor, one of the required recipients, has  
25 submitted the notice and Act to the Texas Commission on  
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

S.B. No. 2264

1 its recommendations relating to this Act with the governor, the  
2 lieutenant governor, and the speaker of the house of  
3 representatives within the required time.

4 (d) All requirements of the constitution and laws of this  
5 state and the rules and procedures of the legislature with respect  
6 to the notice, introduction, and passage of this Act are fulfilled  
7 and accomplished.

8 SECTION 4. This Act takes effect September 1, 2017.

1-15

Coats + Rose

PUBLISHER'S AFFIDAVIT *notice of intent*

THE STATE OF TEXAS §  
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of *Fort Bend Herald* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

- 1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
- 2. it is published at least once each week;
- 3. it is entered as second-class postal matter in the county where it is published; and
- 4. it has been published regularly and continuously since 1959.
- 5. it is generally circulated within Fort Bend County.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

1-15

\_\_\_\_\_, A.D. 2017

*LH*

Lee Hartman  
Publisher

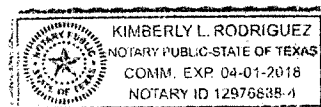
SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

X a) is personally known to me, or

\_\_\_\_\_ b) provided the following evidence to establish his/her identity, \_\_\_\_\_

on this the 17th day of January, A.D. 2017 to certify which witness my hand and seal of office.

*Kimberly L. Rodriguez*  
Notary Public, State of Texas



(CLIPPING) (S)

**NOTICE OF INTENT TO INTRODUCE A BILL**  
Pursuant to the Constitution and laws of the State of Texas, notice is hereby given of the intention to apply to the 85th Legislature of the State of Texas at its regular session in Austin, Texas for the introduction of a bill, the substance of the contemplated law being as follows:  
An act relating to the powers and duties of the Fort Bend County Municipal Management District No. 1.  
The Act proposes to authorize the District to compensate District directors for attending board meetings and to authorize the District to levy a sales and use tax.  
All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and laws of the State of Texas.