

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

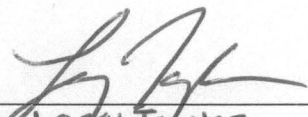
May 29, 2015
Date

Honorable Dan Patrick
President of the Senate

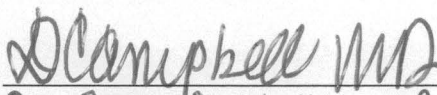
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

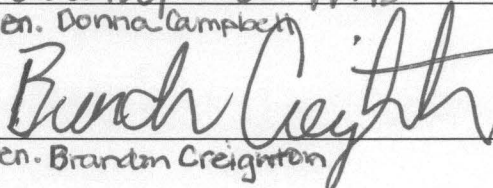
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 4175 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



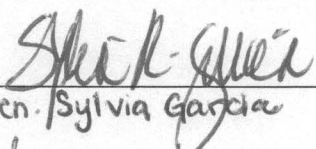
Sen. Larry Taylor



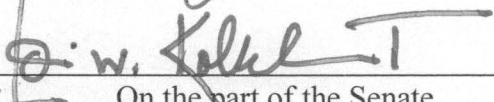
Sen. Donna Campbell



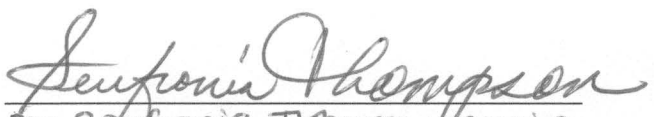
Sen. Brandon Creighton



Sen. Sylvia Garcia



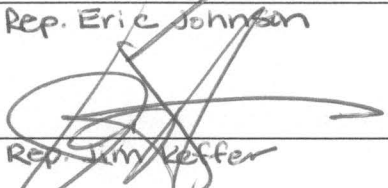
On the part of the Senate
Sen. Lois W. Kelkhorst



Rep. Senfronia Thompson/Chair



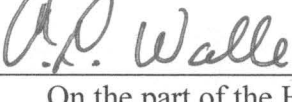
Rep. Eric Johnson



Rep. Jim Keffer



Rep. Will Metcalf



On the part of the House
Rep. Armando Walle

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 4175

A BILL TO BE ENTITLED

1 AN ACT

2 relating to eminent domain powers of certain conservation and
3 reclamation districts.

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

5 SECTION 1. CERTAIN MUNICIPAL UTILITY DISTRICTS. Subtitle
6 F, Title 6, Special District Local Laws Code, is amended by adding
7 Chapters 7937, 7939, 7940, 7941, 7942, 7943, 7944, 7946, 7947,
8 7948, and 7949 to read as follows:

9 CHAPTER 7937. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5 OF

10 HARRIS COUNTY

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 7937.001. DEFINITION. In this chapter, "district"
13 means the Harris County Municipal Utility District No. 5 of Harris
14 County.

15 SUBCHAPTER B. POWERS AND DUTIES

16 Sec. 7937.051. EMINENT DOMAIN. (a) The district may
17 exercise the power of eminent domain as provided by this section
18 only if the district submits a letter to the comptroller not later
19 than December 31, 2015, in accordance with the requirements of
20 Section 2206.101(b), Government Code, other than the requirement
21 that the letter be submitted by the date specified by that section.

22 (b) Notwithstanding the expiration of the district's
23 authority to exercise the power of eminent domain under Section
24 2206.101(c), Government Code, the district may exercise the power

1 of eminent domain as provided by law applicable to the district on
2 or after the 90th day after the date the district submits a letter
3 in accordance with Subsection (a).

4 CHAPTER 7939. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 61

5 SUBCHAPTER A. GENERAL PROVISIONS

6 Sec. 7939.001. DEFINITION. In this chapter, "district"
7 means the Harris County Municipal Utility District No. 61.

8 SUBCHAPTER B. POWERS AND DUTIES

9 Sec. 7939.051. EMINENT DOMAIN. (a) The district may
10 exercise the power of eminent domain as provided by this section
11 only if the district submits a letter to the comptroller not later
12 than December 31, 2015, in accordance with the requirements of
13 Section 2206.101(b), Government Code, other than the requirement
14 that the letter be submitted by the date specified by that section.

15 (b) Notwithstanding the expiration of the district's
16 authority to exercise the power of eminent domain under Section
17 2206.101(c), Government Code, the district may exercise the power
18 of eminent domain as provided by law applicable to the district on
19 or after the 90th day after the date the district submits a letter
20 in accordance with Subsection (a).

21 CHAPTER 7940. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 150

22 SUBCHAPTER A. GENERAL PROVISIONS

23 Sec. 7940.001. DEFINITION. In this chapter, "district"
24 means the Harris County Municipal Utility District No. 150.

25 SUBCHAPTER B. POWERS AND DUTIES

26 Sec. 7940.051. EMINENT DOMAIN. (a) The district may
27 exercise the power of eminent domain as provided by this section

1 only if the district submits a letter to the comptroller not later
2 than December 31, 2015, in accordance with the requirements of
3 Section 2206.101(b), Government Code, other than the requirement
4 that the letter be submitted by the date specified by that section.

5 (b) Notwithstanding the expiration of the district's
6 authority to exercise the power of eminent domain under Section
7 2206.101(c), Government Code, the district may exercise the power
8 of eminent domain as provided by law applicable to the district on
9 or after the 90th day after the date the district submits a letter
10 in accordance with Subsection (a).

11 CHAPTER 7941. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 211 OF

12 HARRIS COUNTY

13 SUBCHAPTER A. GENERAL PROVISIONS

14 Sec. 7941.001. DEFINITION. In this chapter, "district"
15 means the Harris County Municipal Utility District No. 211 of
16 Harris County.

17 SUBCHAPTER B. POWERS AND DUTIES

18 Sec. 7941.051. EMINENT DOMAIN. (a) The district may
19 exercise the power of eminent domain as provided by this section
20 only if the district submits a letter to the comptroller not later
21 than December 31, 2015, in accordance with the requirements of
22 Section 2206.101(b), Government Code, other than the requirement
23 that the letter be submitted by the date specified by that section.

24 (b) Notwithstanding the expiration of the district's
25 authority to exercise the power of eminent domain under Section
26 2206.101(c), Government Code, the district may exercise the power
27 of eminent domain as provided by law applicable to the district on

1 or after the 90th day after the date the district submits a letter
2 in accordance with Subsection (a).

3 CHAPTER 7942. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 483

4 SUBCHAPTER A. GENERAL PROVISIONS

5 Sec. 7942.001. DEFINITION. In this chapter, "district"
6 means the Harris County Municipal Utility District No. 483.

7 SUBCHAPTER B. POWERS AND DUTIES

8 Sec. 7942.051. EMINENT DOMAIN. (a) The district may
9 exercise the power of eminent domain as provided by this section
10 only if the district submits a letter to the comptroller not later
11 than December 31, 2015, in accordance with the requirements of
12 Section 2206.101(b), Government Code, other than the requirement
13 that the letter be submitted by the date specified by that section.

14 (b) Notwithstanding the expiration of the district's
15 authority to exercise the power of eminent domain under Section
16 2206.101(c), Government Code, the district may exercise the power
17 of eminent domain as provided by law applicable to the district on
18 or after the 90th day after the date the district submits a letter
19 in accordance with Subsection (a).

20 CHAPTER 7943. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 484

21 SUBCHAPTER A. GENERAL PROVISIONS

22 Sec. 7943.001. DEFINITION. In this chapter, "district"
23 means the Harris County Municipal Utility District No. 484.

24 SUBCHAPTER B. POWERS AND DUTIES

25 Sec. 7943.051. EMINENT DOMAIN. (a) The district may
26 exercise the power of eminent domain as provided by this section
27 only if the district submits a letter to the comptroller not later

1 than December 31, 2015, in accordance with the requirements of
2 Section 2206.101(b), Government Code, other than the requirement
3 that the letter be submitted by the date specified by that section.

4 (b) Notwithstanding the expiration of the district's
5 authority to exercise the power of eminent domain under Section
6 2206.101(c), Government Code, the district may exercise the power
7 of eminent domain as provided by law applicable to the district on
8 or after the 90th day after the date the district submits a letter
9 in accordance with Subsection (a).

10 CHAPTER 7944. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 485

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 7944.001. DEFINITION. In this chapter, "district"
13 means the Harris County Municipal Utility District No. 485.

14 SUBCHAPTER B. POWERS AND DUTIES

15 Sec. 7944.051. EMINENT DOMAIN. (a) The district may
16 exercise the power of eminent domain as provided by this section
17 only if the district submits a letter to the comptroller not later
18 than December 31, 2015, in accordance with the requirements of
19 Section 2206.101(b), Government Code, other than the requirement
20 that the letter be submitted by the date specified by that section.

21 (b) Notwithstanding the expiration of the district's
22 authority to exercise the power of eminent domain under Section
23 2206.101(c), Government Code, the district may exercise the power
24 of eminent domain as provided by law applicable to the district on
25 or after the 90th day after the date the district submits a letter
26 in accordance with Subsection (a).

1 CHAPTER 7946. LIBERTY COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

2 SUBCHAPTER A. GENERAL PROVISIONS

3 Sec. 7946.001. DEFINITION. In this chapter, "district"
4 means the Liberty County Municipal Utility District No. 2.

5 SUBCHAPTER B. POWERS AND DUTIES

6 Sec. 7946.051. EMINENT DOMAIN. (a) The district may
7 exercise the power of eminent domain as provided by this section
8 only if the district submits a letter to the comptroller not later
9 than December 31, 2015, in accordance with the requirements of
10 Section 2206.101(b), Government Code, other than the requirement
11 that the letter be submitted by the date specified by that section.

12 (b) Notwithstanding the expiration of the district's
13 authority to exercise the power of eminent domain under Section
14 2206.101(c), Government Code, the district may exercise the power
15 of eminent domain as provided by law applicable to the district on
16 or after the 90th day after the date the district submits a letter
17 in accordance with Subsection (a).

18 CHAPTER 7947. LIBERTY COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

19 SUBCHAPTER A. GENERAL PROVISIONS

20 Sec. 7947.001. DEFINITION. In this chapter, "district"
21 means the Liberty County Municipal Utility District No. 3.

22 SUBCHAPTER B. POWERS AND DUTIES

23 Sec. 7947.051. EMINENT DOMAIN. (a) The district may
24 exercise the power of eminent domain as provided by this section
25 only if the district submits a letter to the comptroller not later
26 than December 31, 2015, in accordance with the requirements of
27 Section 2206.101(b), Government Code, other than the requirement

1 that the letter be submitted by the date specified by that section.

2 (b) Notwithstanding the expiration of the district's
3 authority to exercise the power of eminent domain under Section
4 2206.101(c), Government Code, the district may exercise the power
5 of eminent domain as provided by law applicable to the district on
6 or after the 90th day after the date the district submits a letter
7 in accordance with Subsection (a).

8 CHAPTER 7948. POST WOOD MUNICIPAL UTILITY DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 7948.001. DEFINITION. In this chapter, "district"
11 means the Post Wood Municipal Utility District.

12 SUBCHAPTER B. POWERS AND DUTIES

13 Sec. 7948.051. EMINENT DOMAIN. (a) The district may
14 exercise the power of eminent domain as provided by this section
15 only if the district submits a letter to the comptroller not later
16 than December 31, 2015, in accordance with the requirements of
17 Section 2206.101(b), Government Code, other than the requirement
18 that the letter be submitted by the date specified by that section.

19 (b) Notwithstanding the expiration of the district's
20 authority to exercise the power of eminent domain under Section
21 2206.101(c), Government Code, the district may exercise the power
22 of eminent domain as provided by law applicable to the district on
23 or after the 90th day after the date the district submits a letter
24 in accordance with Subsection (a).

25 CHAPTER 7949. WEST PARK MUNICIPAL UTILITY DISTRICT

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 7949.001. DEFINITION. In this chapter, "district"

1 means the West Park Municipal Utility District.

2 SUBCHAPTER B. POWERS AND DUTIES

3 Sec. 7949.051. EMINENT DOMAIN. (a) The district may
4 exercise the power of eminent domain as provided by this section
5 only if the district submits a letter to the comptroller not later
6 than December 31, 2015, in accordance with the requirements of
7 Section 2206.101(b), Government Code, other than the requirement
8 that the letter be submitted by the date specified by that section.

9 (b) Notwithstanding the expiration of the district's
10 authority to exercise the power of eminent domain under Section
11 2206.101(c), Government Code, the district may exercise the power
12 of eminent domain as provided by law applicable to the district on
13 or after the 90th day after the date the district submits a letter
14 in accordance with Subsection (a).

15 SECTION 2. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY
16 DISTRICT NO. 8. Subchapter C, Chapter 8112, Special District Local
17 Laws Code, is amended by adding Section 8112.103 to read as follows:

18 Sec. 8112.103. EMINENT DOMAIN. (a) The district may
19 exercise the power of eminent domain as provided by this section
20 only if the district submits a letter to the comptroller not later
21 than December 31, 2015, in accordance with the requirements of
22 Section 2206.101(b), Government Code, other than the requirement
23 that the letter be submitted by the date specified by that section.

24 (b) Notwithstanding the expiration of the district's
25 authority to exercise the power of eminent domain under Section
26 2206.101(c), Government Code, the district may exercise the power
27 of eminent domain as provided by law applicable to the district on

1 or after the 90th day after the date the district submits a letter
2 in accordance with Subsection (a).

3 SECTION 3. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY
4 DISTRICT NO. 9. Subchapter C, Chapter 8113, Special District Local
5 Laws Code, is amended by adding Section 8113.103 to read as follows:

6 Sec. 8113.103. EMINENT DOMAIN. (a) The district may
7 exercise the power of eminent domain as provided by this section
8 only if the district submits a letter to the comptroller not later
9 than December 31, 2015, in accordance with the requirements of
10 Section 2206.101(b), Government Code, other than the requirement
11 that the letter be submitted by the date specified by that section.

12 (b) Notwithstanding the expiration of the district's
13 authority to exercise the power of eminent domain under Section
14 2206.101(c), Government Code, the district may exercise the power
15 of eminent domain as provided by law applicable to the district on
16 or after the 90th day after the date the district submits a letter
17 in accordance with Subsection (a).

18 SECTION 4. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY
19 DISTRICT NO. 10. Subchapter C, Chapter 8114, Special District
20 Local Laws Code, is amended by adding Section 8114.103 to read as
21 follows:

22 Sec. 8114.103. EMINENT DOMAIN. (a) The district may
23 exercise the power of eminent domain as provided by this section
24 only if the district submits a letter to the comptroller not later
25 than December 31, 2015, in accordance with the requirements of
26 Section 2206.101(b), Government Code, other than the requirement
27 that the letter be submitted by the date specified by that section.

1 (b) Notwithstanding the expiration of the district's
2 authority to exercise the power of eminent domain under Section
3 2206.101(c), Government Code, the district may exercise the power
4 of eminent domain as provided by law applicable to the district on
5 or after the 90th day after the date the district submits a letter
6 in accordance with Subsection (a).

7 SECTION 5. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY
8 DISTRICT NO. 11. Subchapter C, Chapter 8115, Special District
9 Local Laws Code, is amended by adding Section 8115.103 to read as
10 follows:

11 Sec. 8115.103. EMINENT DOMAIN. (a) The district may
12 exercise the power of eminent domain as provided by this section
13 only if the district submits a letter to the comptroller not later
14 than December 31, 2015, in accordance with the requirements of
15 Section 2206.101(b), Government Code, other than the requirement
16 that the letter be submitted by the date specified by that section.

17 (b) Notwithstanding the expiration of the district's
18 authority to exercise the power of eminent domain under Section
19 2206.101(c), Government Code, the district may exercise the power
20 of eminent domain as provided by law applicable to the district on
21 or after the 90th day after the date the district submits a letter
22 in accordance with Subsection (a).

23 SECTION 6. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY
24 DISTRICT NO. 12. Subchapter C, Chapter 8116, Special District
25 Local Laws Code, is amended by adding Section 8116.103 to read as
26 follows:

27 Sec. 8116.103. EMINENT DOMAIN. (a) The district may

1 exercise the power of eminent domain as provided by this section
2 only if the district submits a letter to the comptroller not later
3 than December 31, 2015, in accordance with the requirements of
4 Section 2206.101(b), Government Code, other than the requirement
5 that the letter be submitted by the date specified by that section.

6 (b) Notwithstanding the expiration of the district's
7 authority to exercise the power of eminent domain under Section
8 2206.101(c), Government Code, the district may exercise the power
9 of eminent domain as provided by law applicable to the district on
10 or after the 90th day after the date the district submits a letter
11 in accordance with Subsection (a).

12 SECTION 7. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY
13 DISTRICT NO. 13. Subchapter C, Chapter 8117, Special District
14 Local Laws Code, is amended by adding Section 8117.103 to read as
15 follows:

16 Sec. 8117.103. EMINENT DOMAIN. (a) The district may
17 exercise the power of eminent domain as provided by this section
18 only if the district submits a letter to the comptroller not later
19 than December 31, 2015, in accordance with the requirements of
20 Section 2206.101(b), Government Code, other than the requirement
21 that the letter be submitted by the date specified by that section.

22 (b) Notwithstanding the expiration of the district's
23 authority to exercise the power of eminent domain under Section
24 2206.101(c), Government Code, the district may exercise the power
25 of eminent domain as provided by law applicable to the district on
26 or after the 90th day after the date the district submits a letter
27 in accordance with Subsection (a).

1 SECTION 8. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY
2 DISTRICT NO. 14. Subchapter C, Chapter 8118, Special District
3 Local Laws Code, is amended by adding Section 8118.103 to read as
4 follows:

5 Sec. 8118.103. EMINENT DOMAIN. (a) The district may
6 exercise the power of eminent domain as provided by this section
7 only if the district submits a letter to the comptroller not later
8 than December 31, 2015, in accordance with the requirements of
9 Section 2206.101(b), Government Code, other than the requirement
10 that the letter be submitted by the date specified by that section.

11 (b) Notwithstanding the expiration of the district's
12 authority to exercise the power of eminent domain under Section
13 2206.101(c), Government Code, the district may exercise the power
14 of eminent domain as provided by law applicable to the district on
15 or after the 90th day after the date the district submits a letter
16 in accordance with Subsection (a).

17 SECTION 9. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO.
18 100. Section 8119.103, Special District Local Laws Code, is
19 amended to read as follows:

20 Sec. 8119.103. LIMITATION ON USE OF EMINENT DOMAIN. (a) The
21 district may not exercise the power of eminent domain outside the
22 district boundaries to acquire a site for a water treatment plant,
23 water storage facility, wastewater treatment plant, or wastewater
24 disposal facility.

25 (b) The district may exercise the power of eminent domain as
26 provided by this section only if the district submits a letter to
27 the comptroller not later than December 31, 2015, in accordance

1 with the requirements of Section 2206.101(b), Government Code,
2 other than the requirement that the letter be submitted by the date
3 specified by that section.

4 (c) Notwithstanding the expiration of the district's
5 authority to exercise the power of eminent domain under Section
6 2206.101(c), Government Code, the district may exercise the power
7 of eminent domain as provided by law applicable to the district on
8 or after the 90th day after the date the district submits a letter
9 in accordance with Subsection (b).

10 SECTION 10. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT
11 NO. 101. Section 8120.103, Special District Local Laws Code, is
12 amended to read as follows:

13 Sec. 8120.103. LIMITATION ON USE OF EMINENT DOMAIN. (a) The
14 district may not exercise the power of eminent domain outside the
15 district boundaries to acquire a site for a water treatment plant,
16 water storage facility, wastewater treatment plant, or wastewater
17 disposal facility.

18 (b) The district may exercise the power of eminent domain as
19 provided by this section only if the district submits a letter to
20 the comptroller not later than December 31, 2015, in accordance
21 with the requirements of Section 2206.101(b), Government Code,
22 other than the requirement that the letter be submitted by the date
23 specified by that section.

24 (c) Notwithstanding the expiration of the district's
25 authority to exercise the power of eminent domain under Section
26 2206.101(c), Government Code, the district may exercise the power
27 of eminent domain as provided by law applicable to the district on

1 or after the 90th day after the date the district submits a letter
2 in accordance with Subsection (b).

3 SECTION 11. ENCANTO REAL UTILITY DISTRICT. Subchapter C,
4 Chapter 8161, Special District Local Laws Code, is amended by
5 adding Section 8161.102 to read as follows:

6 Sec. 8161.102. EMINENT DOMAIN. (a) The district may
7 exercise the power of eminent domain as provided by this section
8 only if the district submits a letter to the comptroller not later
9 than December 31, 2015, in accordance with the requirements of
10 Section 2206.101(b), Government Code, other than the requirement
11 that the letter be submitted by the date specified by that section.

12 (b) Notwithstanding the expiration of the district's
13 authority to exercise the power of eminent domain under Section
14 2206.101(c), Government Code, the district may exercise the power
15 of eminent domain as provided by law applicable to the district on
16 or after the 90th day after the date the district submits a letter
17 in accordance with Subsection (a).

18 SECTION 12. LIBERTY COUNTY MUNICIPAL UTILITY DISTRICT NO.
19 5. Subchapter C, Chapter 8185, Special District Local Laws Code, is
20 amended by adding Section 8185.104 to read as follows:

21 Sec. 8185.104. EMINENT DOMAIN. (a) The district may
22 exercise the power of eminent domain as provided by this section
23 only if the district submits a letter to the comptroller not later
24 than December 31, 2015, in accordance with the requirements of
25 Section 2206.101(b), Government Code, other than the requirement
26 that the letter be submitted by the date specified by that section.

27 (b) Notwithstanding the expiration of the district's

1 authority to exercise the power of eminent domain under Section
2 2206.101(c), Government Code, the district may exercise the power
3 of eminent domain as provided by law applicable to the district on
4 or after the 90th day after the date the district submits a letter
5 in accordance with Subsection (a).

6 SECTION 13. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY
7 DISTRICT NO. 3. Subchapter C, Chapter 8186, Special District Local
8 Laws Code, is amended by adding Section 8186.103 to read as follows:

9 Sec. 8186.103. EMINENT DOMAIN. (a) The district may
10 exercise the power of eminent domain as provided by this section
11 only if the district submits a letter to the comptroller not later
12 than December 31, 2015, in accordance with the requirements of
13 Section 2206.101(b), Government Code, other than the requirement
14 that the letter be submitted by the date specified by that section.

15 (b) Notwithstanding the expiration of the district's
16 authority to exercise the power of eminent domain under Section
17 2206.101(c), Government Code, the district may exercise the power
18 of eminent domain as provided by law applicable to the district on
19 or after the 90th day after the date the district submits a letter
20 in accordance with Subsection (a).

21 SECTION 14. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO.
22 233 OF HARRIS COUNTY, TEXAS. Subchapter C, Chapter 8192, Special
23 District Local Laws Code, is amended by adding Section 8192.103 to
24 read as follows:

25 Sec. 8192.103. EMINENT DOMAIN. (a) The district may
26 exercise the power of eminent domain as provided by this section
27 only if the district submits a letter to the comptroller not later

1 than December 31, 2015, in accordance with the requirements of
2 Section 2206.101(b), Government Code, other than the requirement
3 that the letter be submitted by the date specified by that section.

4 (b) Notwithstanding the expiration of the district's
5 authority to exercise the power of eminent domain under Section
6 2206.101(c), Government Code, the district may exercise the power
7 of eminent domain as provided by law applicable to the district on
8 or after the 90th day after the date the district submits a letter
9 in accordance with Subsection (a).

10 SECTION 15. CNP UTILITY DISTRICT. Section 8270.153,
11 Special District Local Laws Code, is amended to read as follows:

12 Sec. 8270.153. EMINENT DOMAIN. (a) The district may
13 exercise the power of eminent domain only:

- 14 (1) in a county in which the district is located; and
15 (2) when necessary to carry out the purposes for which
16 the district was created.

17 (b) The district may exercise the power of eminent domain as
18 provided by this section only if the district submits a letter to
19 the comptroller not later than December 31, 2015, in accordance
20 with the requirements of Section 2206.101(b), Government Code,
21 other than the requirement that the letter be submitted by the date
22 specified by that section.

23 (c) Notwithstanding the expiration of the district's
24 authority to exercise the power of eminent domain under Section
25 2206.101(c), Government Code, the district may exercise the power
26 of eminent domain as provided by law applicable to the district on
27 or after the 90th day after the date the district submits a letter

1 in accordance with Subsection (b).

2 SECTION 16. HARRIS COUNTY UTILITY DISTRICT NO. 16.
3 Subchapter C, Chapter 8277, Special District Local Laws Code, is
4 amended by adding Section 8277.102 to read as follows:

5 Sec. 8277.102. EMINENT DOMAIN. (a) The district may
6 exercise the power of eminent domain as provided by this section
7 only if the district submits a letter to the comptroller not later
8 than December 31, 2015, in accordance with the requirements of
9 Section 2206.101(b), Government Code, other than the requirement
10 that the letter be submitted by the date specified by that section.

11 (b) Notwithstanding the expiration of the district's
12 authority to exercise the power of eminent domain under Section
13 2206.101(c), Government Code, the district may exercise the power
14 of eminent domain as provided by law applicable to the district on
15 or after the 90th day after the date the district submits a letter
16 in accordance with Subsection (a).

17 SECTION 17. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY
18 DISTRICT NO. 4. Subchapter C, Chapter 8308, Special District Local
19 Laws Code, is amended by adding Section 8308.104 to read as follows:

20 Sec. 8308.104. EMINENT DOMAIN. (a) The district may
21 exercise the power of eminent domain as provided by this section
22 only if the district submits a letter to the comptroller not later
23 than December 31, 2015, in accordance with the requirements of
24 Section 2206.101(b), Government Code, other than the requirement
25 that the letter be submitted by the date specified by that section.

26 (b) Notwithstanding the expiration of the district's
27 authority to exercise the power of eminent domain under Section

1 2206.101(c), Government Code, the district may exercise the power
2 of eminent domain as provided by law applicable to the district on
3 or after the 90th day after the date the district submits a letter
4 in accordance with Subsection (a).

5 SECTION 18. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT
6 DISTRICT NO. 119. Subtitle I, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 9066 to read as follows:

8 CHAPTER 9066. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
9 NO. 119

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 9066.001. DEFINITION. In this chapter, "district"
12 means the Harris County Water Control and Improvement District
13 No. 119.

14 SUBCHAPTER B. POWERS AND DUTIES

15 Sec. 9066.051. EMINENT DOMAIN. (a) The district may
16 exercise the power of eminent domain as provided by this section
17 only if the district submits a letter to the comptroller not later
18 than December 31, 2015, in accordance with the requirements of
19 Section 2206.101(b), Government Code, other than the requirement
20 that the letter be submitted by the date specified by that section.

21 (b) Notwithstanding the expiration of the district's
22 authority to exercise the power of eminent domain under Section
23 2206.101(c), Government Code, the district may exercise the power
24 of eminent domain as provided by law applicable to the district on
25 or after the 90th day after the date the district submits a letter
26 in accordance with Subsection (a).

27 SECTION 19. EFFECTIVE DATE. As provided by Section 17(c),

H.B. No. 4175

1 Article I, Texas Constitution, this Act takes effect only on a
2 two-thirds vote of all the members elected to each house. If this
3 Act receives the vote necessary to take effect, this Act takes
4 effect September 1, 2015.

House Bill 4175
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
SECTION 1-17. Special District Local Laws Code, is amended.	SECTION 1-17. Same as House version.	SECTION 1-17. Same as House version.
<i>No equivalent provision.</i>	SECTION __. Sections 8471.104 and 8471.105, Special District Local Laws Code, are amended. [FA1; Deleted by FA1,3rd]	Same as House version.
<i>No equivalent provision.</i>	SECTION __.Section 8471.103(c), Special District Local Laws Code, is repealed. [FA1; Deleted by FA1,3rd]	Same as House version.
<i>No equivalent provision.</i>	SECTION __.Amended Section 8471.104 and Section 8471.105, Special District Local Laws Code, take effect September 1, 2015, but only if H.B. 3405, S.B. 1440, or similar legislation of the 84th Legislature, Regular Session, 2015, that enlarges the territory of the Barton Springs-Edwards Aquifer Conservation District to include the territory of the Needmore Ranch Municipal Utility District No. 1, becomes law. If such a bill does not become law, the changes to these provisions have no effect. [FA1; Deleted by FA1,3rd]	Same as House version.
SECTION 18. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119. Subtitle I, Title 6, Special District Local Laws Code, is amended.	SECTION 18. Same as House version.	SECTION 18. Same as House version.
SECTION 19. EFFECTIVE DATE. As provided by Section 17(c), Article I, Texas Constitution, this Act takes effect only on a two-thirds vote of all the members elected to each house. If this Act receives the vote necessary to take effect, this Act takes effect September 1, 2015.	SECTION 19. EFFECTIVE DATE. (a) <i>Except as provided by Subsection (b) of this section, and</i> as provided by Section 17(c), Article I, Texas Constitution, this Act takes effect only on a two-thirds vote of all the members elected to each house. If this Act receives the vote necessary to take effect, this Act takes effect September 1, 2015. [FA3(2)]	SECTION 19. Same as House version.

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CONFERENCE

(b) The SECTIONS of this Act that affect the law applicable to the Barton Springs-Edwards Aquifer Conservation District take effect immediately if the Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, those SECTIONS of this Act take effect September 1, 2015. [FA3(3)]

No equivalent provision.

SECTION __. Subtitle C, Title 4, Special District Local Laws Code, is amended. [FA2]

Same as House version.

No equivalent provision.

SECTION __. The Saint George Place Management District initially includes all territory contained in the Tax Increment Reinvestment Zone No. One, City of Houston, Texas, designated by the City of Houston in Ordinance No. 90-1452, dated December 12, 1990, as that zone is configured on the effective date of this Act. [FA2]

Same as House version.

No equivalent provision.

SECTION __. BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION DISTRICT. It is the intent of the legislature that the following six SECTIONS, SECTIONS __, __, __, __, __, and __ of this Act, apply only to the territory described by Section 8802.0035, Special District Local Laws Code, as added by this Act, and not have statewide implications. [FA3(1)]

Same as House version.

No equivalent provision.

SECTION __. Subchapter A, Chapter 8802, Special District Local Laws Code, is amended. [FA3(1)]

Same as House version.

No equivalent provision.

SECTION __. Section 8802.1045, Special District Local Laws

Same as House version.

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Code, is amended. [FA3(1)]

No equivalent provision.

SECTION __. As soon as practicable after the effective date of the Act enacting this SECTION, and in conformance with Chapter 36, Water Code, the board of directors of the Barton Springs-Edwards Aquifer Conservation District may increase the number of board members and shall revise the single-member districts as the board considers appropriate to reflect the changes in territory made by Section 8802.0035, Special District Local Laws Code, as added by this Act. It is the intent of the legislature that the composition of the board reflect the territory added to the district by this Act. [FA3(1)]

Same as House version.

No equivalent provision.

SECTION __. In this section:
(1) "District" means the Barton Springs-Edwards Aquifer Conservation District.
(2) "Maximum production capacity" means the maximum production capacity of a well, which may be based on a 36-hour pump test conducted at the time the well was initially constructed or placed into service.
(b) This section applies only to the shared territory added to the district by Section 8802.0035, Special District Local Laws Code, as added by this Act.
(c) A person operating a well before the effective date of this Act or who has entered into a contract before the effective date of this Act to drill or operate a well that is or will be located in the territory described by Subsection (b) of this section and subject to the jurisdiction of the district under Section 8802.0035, Special District Local Laws Code, as added by this Act, shall file an administratively complete permit application with the district not later than three months after the effective date of this Act for the drilling, equipping,

Same as House version.

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completion, or operation of any well if the well requires a permit under the rules or orders of the district. The person may file the permit application for an amount of groundwater production not to exceed the maximum production capacity of the well.

(d) The district shall issue a temporary permit to a person who files an application under Subsection (c) of this section without a hearing on the application not later than the 30th day after the date of receipt of the application. The district shall issue the temporary permit for the groundwater production amount set forth in the application. The temporary permit issued under this subsection shall provide the person with retroactive and prospective authorization to drill, operate, or perform another activity related to a well for which a permit is required by the district for the period of time between the effective date of this Act and the date that the district takes a final, appealable action on issuance of a regular permit pursuant to the permit application if:

- (1) the person's drilling, operating, or other activities associated with the well are consistent with the authorization sought in the permit application;
- (2) the person timely pays to the district all administrative fees and fees related to the amount of groundwater authorized to be produced pursuant to the temporary permit in the same manner as other permit holders in the district; and
- (3) the person complies with other rules and orders of the district applicable to permit holders.

(e) The temporary permit issued under Subsection (d) does not confer any rights or privileges to the permit holder other than those set forth in this section. After issuing the temporary permit, the district shall process the permit application for notice, hearing, and consideration for issuance

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of a regular permit consistent with this section. The district, after notice and hearing, shall issue an order granting the regular permit authorizing groundwater production in the amount set forth in the temporary permit unless the district finds that authorizing groundwater production in the amount set forth in the temporary permit will cause:

(1) a failure to achieve the applicable adopted desired future conditions for the aquifer; or

(2) an unreasonable impact on existing wells.

(f) In the hearing on issuance of the regular permit under Subsection (e), the permit applicant bears the burden of proof.

(g) The holder of a temporary or regular permit subject to a district order under this section to reduce the amount of groundwater production from the permitted well may contest the reduction by requesting a contested case hearing to be conducted by the State Office of Administrative Hearings in the manner provided by Sections 36.416, 36.4165, and 36.418, Water Code. The district shall contract with the State Office of Administrative Hearings to conduct the hearing as provided by those sections of the Water Code. To the extent possible, the State Office of Administrative Hearings shall expedite a hearing under this subsection. The permit applicant bears the burden of proof in the hearing.

(h) For the State Office of Administrative Hearings to recommend overturning a district order reducing the amount of groundwater authorized to be produced under a temporary permit, the permit holder must demonstrate by a preponderance of the evidence that the production of the amount of groundwater authorized based on the maximum production capacity will not cause:

(1) a failure to achieve applicable adopted desired future conditions for the aquifer; or

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(2) an unreasonable impact on existing wells as found in the district's order.

(i) A person who relies on the temporary permit granted by this section to drill, operate, or engage in other activities associated with a water well assumes the risk that the district may grant or deny, wholly or partly, the permit application when the district takes final action after notice and hearing to issue a regular permit pursuant to the application. [FA3(1)]

No equivalent provision.

SECTION __. If the addition of territory under Section 8802.0035, Special District Local Laws Code, as added by this Act, causes the annual water use fee in Section 8802.105 to exceed \$1 million, the district shall not require an assessment of greater than \$1 million annually as adjusted to reflect the percentage change during the preceding year in the Consumer Price Index. [FA3(1)]

Same as House version.

No equivalent provision.

SECTION __. (a) The legislature validates and confirms all acts and proceedings of the board of directors of the Barton Springs-Edwards Aquifer Conservation District that were taken before the effective date of this Act.

(b) Subsection (a) of this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court;

or

(2) has been held invalid by a final judgment of a court.

Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 30, 2015

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB4175** by Thompson, Senfronia (Relating to eminent domain powers of certain conservation and reclamation districts.), **Conference Committee Report**

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws to permit certain municipal utility districts, utility districts, and water control and improvement districts to exercise eminent domain if the district submits a letter to the Comptroller of Public Accounts (CPA) by December 31, 2015. Despite the expiration of eminent domain authority under Section 2206.101(c), Government Code, a district would have eminent domain authority on or after the 90th day following the submittal of the letter to CPA.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: UP, SZ, SD, EK, KVe

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on HB4175 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

Senfionia Thompson
(name)

May 29, 2015
(date)