

BILL ANALYSIS

C.S.H.B. 3407
By: Isaac
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that the Goforth Special Utility District may be wrongfully using eminent domain for the benefit of a private company. C.S.H.B. 3407 seeks to remedy this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3407 amends the Special District Local Laws Code to prohibit the Goforth Special Utility District from exercising the power of eminent domain to condemn property located outside the boundaries or service area of the district unless the district exercises that power for a project the district owns and operates.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3407 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter C, Chapter 7212, Special District Local Laws Code, is amended by adding Sections 7212.103 and 7212.104 to read as follows:

Sec. 7212.103. LIMITATION ON EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain in a geographic area outside the boundaries and service area of the district.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 7212, Special District Local Laws Code, is amended by adding Section 7212.103 to read as follows:

Sec. 7212.103. LIMIT ON EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain to condemn property located outside the boundaries or service area of the district

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unless the district exercises that power for a project the district owns and operates.

Sec. 7212.104. PROHIBITION ON CONSTRUCTION OF CERTAIN WATER TRANSPORTATION SYSTEMS. The district may not construct a water transportation system designed in whole or in part to transport more than 1,000 gallons of groundwater per day if the transportation system in whole or in part is constructed or to be constructed on a right of way obtained in whole or in part:
(1) by exercising the power of eminent domain; or
(2) from a state or local governmental entity or a quasi-governmental entity.

SECTION 2. This Act takes effect immediately if it 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, this Act takes effect September 1, 2015.

SECTION 2. Same as introduced version.