

BILL ANALYSIS

C.S.H.B. 4301
By: Isaac
Special Purpose Districts
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that an area located in Central Texas, including Hays County, would benefit from the creation of a conservation district. C.S.H.B. 4301 seeks to provide for the creation of such a district.

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. 4301 amends the Special District Local Laws Code to create the Driftwood Conservation District, subject to municipal consent and voter approval at a confirmation election. The bill grants the district the power to undertake certain road and improvement projects and provides for the application of laws applicable to road districts to the district, water sources for the district, the division of the district, and defined areas or designated property within the district. The bill authorizes the district, subject to certain requirements, to issue obligations and impose assessments and property, operation and maintenance, and contract taxes. The bill expressly prohibits the district from imposing impact fees or assessments on certain utility property and, if the bill does not receive a two-thirds vote of all the members elected to each house, from exercising the power of eminent domain.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4301 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. Subtitle F, Title 6, Special District Local Laws Code, is amended by

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by

85R 29508

17.128.979

Substitute Document Number: 85R 28479

adding Chapter 7982 to read as follows:
CHAPTER 7982. DRIFTWOOD
CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL
PROVISIONS

SUBCHAPTER B. BOARD OF
DIRECTORS

SUBCHAPTER C. POWERS AND
DUTIES

Sec. 7982.101. GENERAL POWERS AND
DUTIES.

Sec. 7982.102. MUNICIPAL UTILITY
DISTRICT POWERS AND DUTIES.

Sec. 7982.103. AUTHORITY FOR ROAD
PROJECTS.

Sec. 7982.104. ROAD STANDARDS
AND REQUIREMENTS.

Sec. 7982.105. IMPROVEMENT
PROJECTS.

(a)

(b) The district may inject stormwater as
authorized by Subsection (a)(1)(D) without
the consent, concurrence, or authorization of
a groundwater conservation district, but
only if the district acquires a permit as
required by Section 27.011, Water Code.

(c)

(d)

Sec. 7982.106. COMPLIANCE WITH
MUNICIPAL CONSENT ORDINANCE
OR RESOLUTION.

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Sec. 7982.101. GENERAL POWERS AND
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Sec. 7982.102. MUNICIPAL UTILITY
DISTRICT POWERS AND DUTIES.

Sec. 7982.103. AUTHORITY FOR ROAD
PROJECTS.

Sec. 7982.104. ROAD STANDARDS
AND REQUIREMENTS.

Sec. 7982.105. IMPROVEMENT
PROJECTS.

(a)

(b) The district may inject stormwater as
authorized by Subsection (a)(1)(D) without
the consent, concurrence, or authorization of
a groundwater conservation district, but
only if the district:

(1) acquires a permit as required by Section
27.011, Water Code; and

(2) consults with the groundwater
conservation district with jurisdiction over
the injection well before and while the
district injects stormwater.

(c) Substantially the same as introduced
version.

(d)

Sec. 7982.106. COMPLIANCE WITH
MUNICIPAL CONSENT ORDINANCE
OR RESOLUTION.

Sec. 7982.107. DEVELOPMENT OF
WATER. (a) The district may:

(1) import groundwater or surface water
from outside the district; and

(2) purchase water from a water supply corporation.

(b) The district may not:

(1) develop groundwater on land owned by the district; or

(2) purchase or lease the rights to groundwater related to land inside the district.

Sec. 7982.107. DIVISION OF DISTRICT.

Sec. 7982.108. STRATEGIC PARTNERSHIP AGREEMENT.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

SUBCHAPTER E. ASSESSMENTS; APPLICABILITY OF IMPACT FEES AND ASSESSMENTS

SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

SUBCHAPTER G. DEFINED AREAS

SECTION 2. Sets out the metes and bounds of the district.

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

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

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

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this

Sec. 7982.108. DIVISION OF DISTRICT.

Sec. 7982.109. STRATEGIC PARTNERSHIP AGREEMENT.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

SUBCHAPTER E. ASSESSMENTS; APPLICABILITY OF IMPACT FEES AND ASSESSMENTS

SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

SUBCHAPTER G. DEFINED AREAS

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

Act are fulfilled and accomplished.

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7982, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7982.109 to read as follows:

Sec. 7982.109. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. 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, 2017.

SECTION 4. Substantially the same as introduced version.

SECTION 5. Same as introduced version.