

SENATE AMENDMENTS

2nd Printing

By: Thompson of Harris

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.

1 FLOOR AMENDMENT NO. 1

BY: *Campbell M.D.*

2 Amend H.B. No. 4175 on third reading by striking the SECTIONS
3 of the bill added by Floor Amendment No. 1 on second reading
4 amending Sections 8471.104, 8471.105, and 8471.103(c), Special
5 District Local Laws Code, and renumbering the existing SECTIONS
6 of the bill as appropriate.

ADOPTED
on 3rd Reading
MAY 27 2015
Leta Spaw
Secretary of the Senate

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 27 2015

BY:

Lataj Spaul
Secretary of the Senate

J. J. Hargis
W. Campbell

Amend H.B. No. 4175 by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Sections 8471.104 and 8471.105, Special District Local Laws Code, are amended to read as follows:

Sec. 8471.104. NO ~~[LIMITATION ON USE OF]~~ EMINENT DOMAIN POWER. ~~[(a)]~~ The district may not exercise the power of eminent domain ~~[except for the purpose of importing surface water or nonlocal groundwater into the district.~~

~~[(b) For purposes of this section, nonlocal groundwater includes only groundwater that is withdrawn from a source outside the Edwards Aquifer and the Trinity Aquifer].~~

Sec. 8471.105. LIMITATION ON ANNEXATION. The district may not add land by petition of less than all the landowners under Section 49.302, Water Code ~~[, unless the petition required under that section is signed by the owners of a two-thirds majority of the assessed value of the land in the defined area described by the petition].~~

SECTION _____. Section 8471.103(c), Special District Local Laws Code, is repealed.

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.

ADOPTED

MAY 27 2015

Letoy Spaul
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: *Joan Huffman*

1 Amend H.B. No. 4175 by adding the following appropriately
2 numbered SECTIONS to the bill and renumbering subsequent SECTIONS
3 of the bill accordingly:

4 SECTION ____ Subtitle C, Title 4, Special District Local
5 Laws Code, is amended by adding Chapter 3925 to read as follows:

6 CHAPTER 3925. SAINT GEORGE PLACE MANAGEMENT DISTRICT

7 SUBCHAPTER A. GENERAL PROVISIONS

8 Sec. 3925.001. DEFINITIONS. In this chapter:

9 (1) "Board" means the district's board of directors.

10 (2) "City" means the City of Houston.

11 (3) "County" means Harris County.

12 (4) "Director" means a board member.

13 (5) "District" means the Saint George Place Management
14 District.

15 (6) "Zone" means the Tax Increment Reinvestment Zone
16 No. One, City of Houston, Texas, designated by the city in Ordinance
17 No. 90-1452, dated December 12, 1990.

18 Sec. 3925.002. NATURE OF DISTRICT. The Saint George Place
19 Management District is a special district created under Section 59,
20 Article XVI, Texas Constitution.

21 Sec. 3925.003. PURPOSE; DECLARATION OF INTENT. (a) The
22 creation of the district is essential to accomplish the purposes of
23 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
24 Texas Constitution, and other public purposes stated in this
25 chapter. By creating the district and in authorizing the city, the
26 county, and other political subdivisions to contract with the
27 district, the legislature has established a program to accomplish
28 the public purposes set out in Section 52-a, Article III, Texas
29 Constitution.

1 (b) The creation of the district is necessary to promote,
2 develop, encourage, and maintain commerce, transportation,
3 housing, recreation, economic development, safety, and the public
4 welfare in the district.

5 (c) This chapter and the creation of the district may not be
6 interpreted to relieve the city or the county from providing the
7 level of services provided as of the effective date of the Act
8 enacting this chapter to the area in the district. The district is
9 created to supplement and not to supplant city or county services
10 provided in the district.

11 Sec. 3925.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
12 The district is created to serve a public use and benefit.

13 (b) All land and other property included in the district
14 will benefit from the improvements and services to be provided by
15 the district under powers conferred by Sections 52 and 52-a,
16 Article III, and Section 59, Article XVI, Texas Constitution, and
17 other powers granted under this chapter.

18 (c) The creation of the district is in the public interest
19 and is essential to further the public purposes of:

20 (1) developing and diversifying the economy of the
21 state;

22 (2) eliminating unemployment and underemployment; and

23 (3) developing or expanding transportation and
24 commerce.

25 (d) The district will:

26 (1) promote the health, safety, and general welfare of
27 residents, employers, potential employees, employees, visitors,
28 and consumers in the district, and of the public;

29 (2) provide needed funding for the district to
30 preserve, maintain, and enhance the economic health and vitality of
31 the district territory as a community;

1 (3) promote the health, safety, welfare, and enjoyment
2 of the public by providing pedestrian ways and by landscaping and
3 developing certain areas in the district, which are necessary for
4 the restoration, preservation, and enhancement of scenic beauty;
5 and

6 (4) provide for water, wastewater, drainage, road,
7 sound barrier and security walls, recreational facilities, and city
8 code enforcement for the district.

9 (e) Pedestrian ways along or across a street, whether at
10 grade or above or below the surface, and street lighting, street
11 landscaping, parking, and street art objects are parts of and
12 necessary components of a street and are considered to be a street
13 or road improvement.

14 (f) The district will not act as the agent or
15 instrumentality of any private interest even though the district
16 will benefit many private interests as well as the public.

17 Sec. 3925.005. INITIAL DISTRICT TERRITORY. The district is
18 initially composed of the territory described by Section 2 of the
19 Act enacting this chapter.

20 Sec. 3925.006. APPLICABILITY OF MUNICIPAL MANAGEMENT
21 DISTRICTS LAW. Except as otherwise provided by this chapter,
22 Chapter 375, Local Government Code, applies to the district.

23 Sec. 3925.007. CONSTRUCTION OF CHAPTER. This chapter shall
24 be liberally construed in conformity with the findings and purposes
25 stated in this chapter.

26 SUBCHAPTER B. BOARD OF DIRECTORS

27 Sec. 3925.051. GOVERNING BODY; TERMS. (a) The district is
28 governed by a board of nine voting directors.

29 (b) Except as provided by Section 3925.052, the directors of
30 the zone are the voting directors of the board and their terms as
31 directors of the district are coterminous with their terms as

1 directors of the zone.

2 Sec. 3925.052. VOTING DIRECTORS IF ZONE DISSOLVED; TERMS.

3 (a) If the zone is dissolved, the mayor and members of the
4 governing body of the city shall appoint voting directors from
5 persons recommended by the board. A person is appointed if a
6 majority of the members of the governing body and the mayor vote to
7 appoint that person.

8 (b) Directors appointed under Subsection (a) serve
9 staggered terms of four years, with four or five directors' terms
10 expiring June 1 of each odd-numbered year. The initial directors
11 appointed under Subsection (a) shall establish the staggered terms
12 of each initial director by lot.

13 Sec. 3925.053. NONVOTING DIRECTORS. The board may appoint
14 nonvoting directors to serve at the pleasure of the voting
15 directors.

16 Sec. 3925.054. VACANCY IF ZONE DISSOLVED. If a vacancy
17 occurs on the board after the zone is dissolved, the remaining
18 directors shall appoint a director for the remainder of the
19 unexpired term.

20 Sec. 3925.055. QUORUM. For purposes of determining the
21 requirements for a quorum of the board, the following are not
22 counted:

23 (1) a board position vacant for any reason, including
24 death, resignation, or disqualification;

25 (2) a director who is abstaining from participation in
26 a vote because of a conflict of interest; or

27 (3) a nonvoting director.

28 SUBCHAPTER C. POWERS AND DUTIES

29 Sec. 3925.101. GENERAL POWERS AND DUTIES. The district has
30 the powers and duties necessary to accomplish the purposes for
31 which the district is created.

1 Sec. 3925.102. IMPROVEMENT PROJECTS AND SERVICES. The
2 district may provide, design, construct, acquire, improve,
3 relocate, operate, maintain, or finance an improvement project or
4 service using any money available to the district, or contract with
5 a governmental or private entity to provide, design, construct,
6 acquire, improve, relocate, operate, maintain, or finance an
7 improvement project or service authorized under this chapter or
8 Chapter 375, Local Government Code.

9 Sec. 3925.103. DEVELOPMENT CORPORATION POWERS. The
10 district, using money available to the district, may exercise the
11 powers given to a development corporation under Chapter 505, Local
12 Government Code, including the power to own, operate, acquire,
13 construct, lease, improve, or maintain a project under that
14 chapter.

15 Sec. 3925.104. AGREEMENTS; GRANTS. (a) As provided by
16 Chapter 375, Local Government Code, the district may make an
17 agreement with or accept a gift, grant, or loan from any person.

18 (b) The district may enter into an agreement with the city
19 to administer and enforce a city zoning ordinance applicable to the
20 district in the territory of the district.

21 (c) The implementation of a project is a governmental
22 function or service for the purposes of Chapter 791, Government
23 Code.

24 Sec. 3925.105. LAW ENFORCEMENT SERVICES. To protect the
25 public interest, the district may contract with a qualified party,
26 including the county or the city, to provide law enforcement or
27 security services in the district.

28 Sec. 3925.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
29 district may join and pay dues to a charitable or nonprofit
30 organization that performs a service or provides an activity
31 consistent with the furtherance of a district purpose.

1 Sec. 3925.107. ECONOMIC DEVELOPMENT. (a) The district may
2 engage in activities that accomplish the economic development
3 purposes of the district.

4 (b) The district may establish and provide for the
5 administration of one or more programs to promote state or local
6 economic development and to stimulate business and commercial
7 activity in the district, including programs to:

8 (1) make loans and grants of public money; and

9 (2) provide district personnel and services.

10 (c) The district may create economic development programs
11 and exercise the economic development powers provided to
12 municipalities by:

13 (1) Chapter 380, Local Government Code; and

14 (2) Subchapter A, Chapter 1509, Government Code.

15 Sec. 3925.108. APPROVAL BY CITY. (a) Except as provided by
16 Subsection (c), the district must obtain the approval of the city
17 for:

18 (1) the issuance of bonds that require the approval of
19 the attorney general;

20 (2) the plans and specifications of an improvement
21 project financed by bonds; and

22 (3) the plans and specifications of an improvement
23 project related to the use of land owned by the city, an easement
24 granted by the city, or a right-of-way of a street, road, or
25 highway.

26 (b) The district may not issue bonds until the governing
27 body of the city adopts a resolution or ordinance authorizing the
28 issuance of the bonds.

29 (c) If the district obtains the approval of the governing
30 body of the city of a capital improvements budget for a period not
31 to exceed 10 years, the district may finance the capital

1 improvements and issue bonds specified in the budget without
2 further approval from the city.

3 (d) The governing body of the city:

4 (1) is not required to adopt a resolution or ordinance
5 to approve plans and specifications described by Subsection (a);
6 and

7 (2) may establish an administrative process to approve
8 plans and specifications described by Subsection (a) without the
9 involvement of the governing body.

10 Sec. 3925.109. NO EMINENT DOMAIN POWER. The district may
11 not exercise the power of eminent domain.

12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

13 Sec. 3925.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
14 board by resolution shall establish the number of directors'
15 signatures and the procedure required for a disbursement or
16 transfer of district money.

17 Sec. 3925.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
18 The district may acquire, construct, finance, operate, or maintain
19 any improvement or service authorized under this chapter or Chapter
20 375, Local Government Code, using any money available to the
21 district.

22 Sec. 3925.153. BUDGET; ASSESSMENTS. (a) The board shall
23 approve an annual budget for the district based on anticipated
24 assessment revenue.

25 (b) The board by resolution may impose and collect an
26 assessment, for any purpose authorized by this chapter, using only
27 the method described by this section.

28 (c) The board may impose an assessment in all or any part of
29 the district at a rate of \$0.07 per square foot of taxable property,
30 and may impose a supplemental annual assessment at a rate of \$300
31 per lot.

1 (d) The board may make a correction to or deletion from the
2 assessment roll that does not increase the amount of assessment of
3 any parcel of land without providing notice and holding a hearing in
4 the manner required for additional assessments.

5 (e) In a year in which the approved expenses in the annual
6 budget exceed the district's annual revenue from all sources, the
7 board may approve an increase to the rate of the supplemental annual
8 assessment to accommodate the expenses if the percentage change in
9 the amount of the supplemental annual assessment does not exceed:

10 (1) two percent for that year as compared to the
11 previous year; or

12 (2) 10 percent over a five-year period.

13 (f) The district may not approve a supplemental assessment
14 under Section 375.122(1), Local Government Code, to pay costs of an
15 improvement project or service if the additional costs that are the
16 subject of the supplemental assessment exceed 25 percent of the
17 original total cost of the improvement project or service.

18 (g) A provision of this subchapter regarding an assessment
19 prevails over a conflicting provision of Chapter 375, Local
20 Government Code, as provided by Section 3925.006.

21 Sec. 3925.154. PETITION REQUIRED FOR FINANCING SERVICES AND
22 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
23 service or improvement project with assessments under this chapter
24 unless a written petition requesting that service or improvement
25 for all or part of the district has been filed with the board.

26 (b) A petition filed under Subsection (a) must be signed by
27 the owners of a majority of the assessed value of real property in
28 the district subject to assessment according to the most recent
29 certified tax appraisal roll for the county.

30 Sec. 3925.155. LIENS FOR ASSESSMENTS. (a) An assessment, a
31 reassessment, or an assessment resulting from an addition to or

1 correction of the assessment roll by the district, penalties and
2 interest on an assessment or reassessment, an expense of
3 collection, and reasonable attorney's fees incurred by the
4 district:

5 (1) are a first and prior lien against the property
6 assessed;

7 (2) are superior to any other lien or claim other than
8 a lien or claim for county, school district, or municipal ad valorem
9 taxes; and

10 (3) are the personal liability of and a charge against
11 the owners of the property even if the owners are not named in the
12 assessment proceedings.

13 (b) The lien is effective from the date of the board's
14 resolution imposing the assessment until the date the assessment is
15 paid.

16 Sec. 3925.156. RESIDENTIAL PROPERTY NOT EXEMPT. Section
17 375.161, Local Government Code, does not apply to the district.

18 Sec. 3925.157. ASSESSMENT ABATEMENT. The district may
19 designate reinvestment zones and may grant abatements of
20 assessments on property in the zones.

21 Sec. 3925.158. NO IMPACT FEES. The district may not impose
22 an impact fee.

23 Sec. 3925.159. NO AD VALOREM TAX. The district may not
24 impose an ad valorem tax.

25 SUBCHAPTER E. BONDS

26 Sec. 3925.201. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
27 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
28 determined by the board.

29 (b) The district may issue bonds, notes, or other
30 obligations payable wholly or partly from assessments, revenue,
31 contract payments, grants, or other district money, or any

1 combination of those sources of money, to pay for any authorized
2 district purpose.

3 Sec. 3925.202. CITY NOT REQUIRED TO PAY DISTRICT
4 OBLIGATIONS. Except as provided by Section 375.263, Local
5 Government Code, the city is not required to pay a bond, note, or
6 other obligation of the district.

7 SUBCHAPTER F. PUBLIC IMPROVEMENT DISTRICT DISSOLUTION

8 Sec. 3925.251. PUBLIC IMPROVEMENT DISTRICT DISSOLUTION.

9 (a) The city shall dissolve a public improvement district created
10 by the city under Chapter 372, Local Government Code, that is in the
11 boundaries of the district if the board imposes an assessment.

12 (b) A public improvement district that is dissolved under
13 this section shall remain in effect for the purposes of meeting
14 obligations of indebtedness and collecting delinquent assessments.

15 SUBCHAPTER G. CONSOLIDATION

16 Sec. 3925.301. The district may not be consolidated with
17 another district that has the powers of a district created under
18 Chapter 375, Local Government Code.

19 SUBCHAPTER H. DISSOLUTION

20 Sec. 3925.351. DISSOLUTION BY PETITION BY OWNERS. (a)
21 Section 375.262, Local Government Code, does not apply to the
22 district.

23 (b) Except as limited by Section 375.264, Local Government
24 Code, the board shall dissolve the district on written petition
25 filed with the board by the owners of:

26 (1) 50 percent or more of the assessed value of the
27 property in the district based on the most recent certified county
28 property tax rolls; or

29 (2) 50 percent or more of the surface area of the
30 district, excluding roads, streets, highways, utility
31 rights-of-way, other public areas, and other property exempt from

1 assessment under Sections 375.163 and 375.164, Local Government
2 Code, according to the most recent certified county property tax
3 rolls.

4 SECTION _____. The Saint George Place Management District
5 initially includes all territory contained in the Tax Increment
6 Reinvestment Zone No. One, City of Houston, Texas, designated by
7 the City of Houston in Ordinance No. 90-1452, dated December 12,
8 1990, as that zone is configured on the effective date of this Act.

ADOPTED

FLOOR AMENDMENT NO. 3 MAY 27 2015

BY: *Al Campbell*

Leroy Spaw
Secretary of the Senate

Amend H.B. 4175 (senate committee report) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill, correct internal cross references in those SECTIONS, and renumber subsequent SECTIONS of the bill accordingly:

1 SECTION ____ . BARTON SPRINGS-EDWARDS AQUIFER CONSERVATION
2 DISTRICT. It is the intent of the legislature that the following
3 six SECTIONS, SECTIONS ____, ____, ____, ____, ____, and ____ of
4 this Act, apply only to the territory described by Section
5 8802.0035, Special District Local Laws Code, as added by this
6 Act, and not have statewide implications.

7 SECTION ____ . Subchapter A, Chapter 8802, Special District
8 Local Laws Code, is amended by adding Section 8802.0035 to read
9 as follows:

10 Sec. 8802.0035. SHARED TERRITORY; JURISDICTION. (a) The
11 territory of the district includes any territory that is:

12 (1) inside the boundaries of:

13 (A) the Edwards Aquifer Authority; and

14 (B) Hays County; and

15 (2) not within the boundaries of the Plum Creek
16 Conservation District as those boundaries existed on February 1,
17 2015.

18 (b) The Edwards Aquifer Authority has jurisdiction over
19 any well that is drilled to produce water from the Edwards
20 Aquifer in the shared territory described by Subsection (a).

21 (c) The district has jurisdiction over groundwater and any
22 well that is drilled to produce water from any aquifer other
23 than the Edwards Aquifer in the shared territory described by
24 Subsection (a).

25 (d) Except for the district and the Edwards Aquifer

1 Authority, no district or authority created under Section 52,
2 Article III, or Section 59, Article XVI, Texas Constitution, has
3 authority in the shared territory described by Subsection (a) to
4 regulate the spacing of water wells or the production from water
5 wells.

6 (e) The district has jurisdiction over any well that is
7 drilled to produce water from the Edwards Aquifer or any other
8 aquifer in the territory described by Section 8802.003.

9 (f) The district's jurisdiction over any well that is
10 drilled to produce water in the territory described in Section
11 8802.003, including a well that is used to recover water that
12 has been injected as part of an aquifer storage and recovery
13 project, applies to all wells for which the district has
14 jurisdiction in the shared territory described by this section.

15 SECTION ____ . Section 8802.1045, Special District Local Laws
16 Code, is amended by adding Subsection (g) to read as follows:

17 (g) This subsection applies only to a well located in the
18 shared territory described by Section 8802.0035. Notwithstanding
19 Subsection (b), the district may not charge an annual production
20 fee of more than 17 cents per thousand gallons of water produced
21 under a permit from a well under this subsection, if the water
22 is permitted for any use other than agricultural use.

23 SECTION ____ . As soon as practicable after the effective
24 date of the Act enacting this SECTION, and in conformance with
25 Chapter 36, Water Code, the board of directors of the Barton
26 Springs-Edwards Aquifer Conservation District may increase the
27 number of board members and shall revise the single-member
28 districts as the board considers appropriate to reflect the
29 changes in territory made by Section 8802.0035, Special District
30 Local Laws Code, as added by this Act. It is the intent of the
31 legislature that the composition of the board reflect the

1 territory added to the district by this Act.

2 SECTION ____ . In this section:

3 (1) "District" means the Barton Springs-Edwards
4 Aquifer Conservation District.

5 (2) "Maximum production capacity" means the maximum
6 production capacity of a well, which may be based on a 36-hour
7 pump test conducted at the time the well was initially
8 constructed or placed into service.

9 (b) This section applies only to the shared territory
10 added to the district by Section 8802.0035, Special District
11 Local Laws Code, as added by this Act.

12 (c) A person operating a well before the effective date of
13 this Act or who has entered into a contract before the effective
14 date of this Act to drill or operate a well that is or will be
15 located in the territory described by Subsection (b) of this
16 section and subject to the jurisdiction of the district under
17 Section 8802.0035, Special District Local Laws Code, as added by
18 this Act, shall file an administratively complete permit
19 application with the district not later than three months after
20 the effective date of this Act for the drilling, equipping,
21 completion, or operation of any well if the well requires a
22 permit under the rules or orders of the district. The person may
23 file the permit application for an amount of groundwater
24 production not to exceed the maximum production capacity of the
25 well.

26 (d) The district shall issue a temporary permit to a
27 person who files an application under Subsection (c) of this
28 section without a hearing on the application not later than the
29 30th day after the date of receipt of the application. The
30 district shall issue the temporary permit for the groundwater
31 production amount set forth in the application. The temporary

1 permit issued under this subsection shall provide the person
2 with retroactive and prospective authorization to drill,
3 operate, or perform another activity related to a well for which
4 a permit is required by the district for the period of time
5 between the effective date of this Act and the date that the
6 district takes a final, appealable action on issuance of a
7 regular permit pursuant to the permit application if:

8 (1) the person's drilling, operating, or other
9 activities associated with the well are consistent with the
10 authorization sought in the permit application;

11 (2) the person timely pays to the district all
12 administrative fees and fees related to the amount of
13 groundwater authorized to be produced pursuant to the temporary
14 permit in the same manner as other permit holders in the
15 district; and

16 (3) the person complies with other rules and orders
17 of the district applicable to permit holders.

18 (e) The temporary permit issued under Subsection (d) does
19 not confer any rights or privileges to the permit holder other
20 than those set forth in this section. After issuing the
21 temporary permit, the district shall process the permit
22 application for notice, hearing, and consideration for issuance
23 of a regular permit consistent with this section. The district,
24 after notice and hearing, shall issue an order granting the
25 regular permit authorizing groundwater production in the amount
26 set forth in the temporary permit unless the district finds that
27 authorizing groundwater production in the amount set forth in
28 the temporary permit will cause:

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

31 (2) an unreasonable impact on existing wells.

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

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

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

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

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

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

1 SECTION _____. If the addition of territory under Section
2 8802.0035, Special District Local Laws Code, as added by this
3 Act, causes the annual water use fee in Section 8802.105 to
4 exceed \$1 million, the district shall not require an assessment
5 of greater than \$1 million annually as adjusted to reflect the
6 percentage change during the preceding year in the Consumer
7 Price Index.

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

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

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

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

19 (2) On page 8, line 24, strike "As provided" and
20 substitute, "(a) Except as provided by Subsection (b) of this
21 section, and as provided"

22 (3) On page 8, between lines 28 and 29, insert the
23 following:

24 (b) The SECTIONS of this Act that affect the law applicable
25 to the Barton Springs-Edwards Aquifer Conservation District take
26 effect immediately if the Act receives a vote of two-thirds of
27 all the members elected to each house, as provided by Section
28 39, Article III, Texas Constitution. If this Act does not
29 receive the vote necessary for immediate effect, those SECTIONS
30 of this Act take effect September 1, 2015.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

TO: 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.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
--

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 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 the Comptroller. The bill would establish Saint George Place Management District.

The bill amends the Special District Local Laws Code relating to the territory, jurisdiction, board composition, elections and powers of the Barton Springs-Edwards Aquifer. Under the provisions of the bill, a holder of a temporary or regular permit subject to a district order to reduce the amount of water production would be permitted to contest the reduction by requesting a hearing conducted by the State Office of Administrative Hearings (SOAH). The bill would require the district to contract with SOAH to conduct the hearings.

Based on information provided by SOAH, this analysis assumes that all duties and responsibilities necessary to implement the provisions of the bill could be accomplished utilizing existing staff and resources.

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, KVe, SD, EK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable Charles Perry, Chair, Senate Committee on Agriculture, Water & Rural Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

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

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 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 the Comptroller.

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, KVe, SD, EK

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 6, 2015

TO: Honorable Doug Miller, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB4175 by Thompson, Senfronia (Relating to eminent domain powers of certain conservation and reclamation districts.), **Committee Report 1st House, Substituted**

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 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 the Comptroller.

Local Government Impact

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

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: UP, KVe, SD, EK

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 28, 2015

TO: Honorable Doug Miller, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

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

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, KVe, SD, EK