

BILL ANALYSIS

Senate Research Center

H.B. 4301
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Administration
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4301 creates the Driftwood Conservation District (district) as a political subdivision of the State of Texas. The district will construct and finance water, sewer, drainage, road, and recreational facilities to serve property within the district, which is located in wholly in the City of Driftwood. The district will be a municipal utility district operating pursuant to Chapters 49 and 54, Water Code.

A special district is needed to finance and construct the utility infrastructure (water, sewer, drainage, roads, and recreational facilities) necessary to promote the development of the area within the district. In addition, this district will finance and construct infrastructure to harvest, store, and reuse storm water.

Special districts are created for specific areas. No special district currently serves the area proposed to be included in the district.

The owner of all of the land in the district as well as local elected officials support the creation of the district.

H.B. 4301 amends current law relating to the creation of the Driftwood Conservation District, grants a limited power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments, fees, and taxes.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle F, Title 6, Special District Local Laws Code, by adding Chapter 7982, as follows:

CHAPTER 7982. DRIFTWOOD CONSERVATION DISTRICT

Sets forth standard language for the creation of the Driftwood Conservation District (district). Sets forth standards, procedures, requirements, and criteria for:

General provisions, including the nature and purpose of the district, the requirement to confirm the creation of the district by election, the initial district territory, and the municipality's consent (Sections 7982.001-7982.050);

Size, composition, election, and terms for the board of directors, including provisions related to initial temporary directors (Sections 7982.051-7982.100);

Powers and duties of the district (Sections 7982.101-7982.150);

General financial provisions, authority to impose a tax, issue bonds, and accept grants, gifts, and donations (Sections 7982.151-7982.200 and 7982.251-7982.300);

Applicability of impact fees and assessments (Sections 7982.201-7982.250); and

Authority to establish defined areas or designated property (Sections 7982.301-7982.305).

SECTION 2. Sets forth the initial boundaries of the district.

SECTION 3. Provides that all requirements of the constitution and the laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) Provides that 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 7982.110, as follows:

Sec. 7982.110. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(b) Provides that this section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c) (relating to the authority of the legislature to enact a certain law granting the power of eminent domain to an entity only on a two-thirds vote of all members of each house), Article I (Bill of Rights), Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2017.