

BILL ANALYSIS

H.B. 3818
By: Smithee
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 80th Legislature, a late amendment was added to S.B. 3 for water districts and supply corporations to allow access to their rights-of-way or easements for certain electric transmission projects. This change allowed private electric transmission companies to access land without following the normal procedures required of transmission and distribution companies. By allowing access to water district joint right-of-way, companies are able to coordinate with water districts to bypass the certificate of public convenience and necessity (CCN) process established by the Public Utility Commission (PUC) and essentially given the right of eminent domain. The CCN process is designed to guarantee public need, public participation and proper regulatory oversight when land is authorized to be condemned.

H.B. 3818 repeals Section 49.2205 (Use of Right-of-Way Easements for Certain Energy-Related Purposes), Water Code.

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

SECTION 1. Repeals Section 49.2205, Water Code.

SECTION 2. Provides the effective date of this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2009.