

## BILL ANALYSIS

C.S.H.B. 2382  
By: Isaac  
Natural Resources  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Interested parties note that recent legislation provided for additional powers for the Ranch at Clear Fork Creek Municipal Utility District No. 1 and added certain land to the district. The parties note, however, that there was a dispute as to whether a portion of that additional land is in the extraterritorial jurisdiction of the City of San Marcos or the City of Umland and contend that that is an issue for the two cities to resolve. C.S.H.B. 2382 seeks to address this issue as it relates to the district.

### 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. 2382 amends the Special District Local Laws Code to provide an exception to the requirement that the City of San Marcos consent to the inclusion in the Ranch at Clear Fork Creek Municipal Utility District No. 1 of the 203.47-acre tract described in Section 2, Chapter 1258, Acts of the 82nd Legislature, Regular Session, 2011, if the district excludes the tract from the district's territory before holding an election to confirm the creation of the district and to elect directors.

### EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2382 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 8343.004, Special District Local Laws Code, is amended to read as follows:

Sec. 8343.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The temporary directors may not hold an election under Section 8343.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the territory

#### HOUSE COMMITTEE SUBSTITUTE

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83R 24751

13.114.842

Substitute Document Number: 83R 15272

added by Section 8343.005 is located has consented by ordinance or resolution to the inclusion of land in the district.

(b) Except as provided by Subsection (d), consent [~~Consent~~] of the City of San Marcos is required for the inclusion in the district of the 203.47-acre tract described in Section 2 of the Act enacting this chapter.

(c) The district may, before holding an election under Section 8343.003, exclude the 203.47-acre tract described in Section 2 of the Act enacting this chapter.

(d) The requirement that the City of San Marcos consent to the inclusion of the 203.47-acre tract described in Section 2 of the Act enacting this chapter does not apply if, on the date of the election under Section 8343.003, the tract is not included in the extraterritorial jurisdiction of the City of San Marcos as stated in a ruling by a court of final jurisdiction or in an agreement or other binding legal document.

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, 2013.

added by Section 8343.005 is located has consented by ordinance or resolution to the inclusion of land in the district. Consent of the City of San Marcos is required for the inclusion in the district of the 203.47-acre tract described in Section 2 of the Act enacting this chapter unless the district, before holding an election under Section 8343.003, excludes the 203.47-acre tract described in Section 2 of the Act enacting this chapter from the district's territory.

No equivalent provision.

SECTION 2. Same as introduced version.