

## **BILL ANALYSIS**

C.S.H.B. 3878  
By: Gooden  
Special Purpose Districts  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Recent legislation created the Lazy W District No. 1. The district, in addition to normal municipal utility district powers, has the power to manage the preservation of fish and wildlife. Interested parties contend that current law relating to the district needs to be amended to clarify some district powers and actions. C.S.H.B. 3878 seeks to address this issue.

### **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. 3878 amends the Special Districts Local Laws Code to rename the Lazy W District No. 1 as the Lazy W Conservation District.

C.S.H.B. 3878 authorizes the district's board of directors to hold a meeting by telephone or video conference call if necessary to establish a quorum, provided that not more than two directors participate without being physically present at the district's designated meeting location. The bill requires a meeting that a director attends by telephone or video conference call to be held at the district's designated location as specified in the notice required to be given for such a meeting under state open meetings law, at which at least one director must be physically present.

C.S.H.B. 3878 authorizes the district to own, protect, and care for wildlife in a manner not otherwise prohibited by state or federal law. The bill authorizes the district to adopt and enforce rules to protect and maintain the district's wildlife and the wildlife habitat, facilities, improvements, and infrastructure as necessary to provide for the maintenance, protection, sustenance, and welfare of the wildlife.

C.S.H.B. 3878 provides for the validation and confirmation of certain district actions and proceedings taken before the bill's effective date.

### **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. 3878 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. The heading to Chapter 8380, Special District Local Laws Code, is amended.

SECTION 2. Section 8380.001(4), Special District Local Laws Code, is amended.

SECTION 3. Subchapter B, Chapter 8380, Special District Local Laws Code, is amended.

SECTION 4. Section 8380.107, Special District Local Laws Code, is amended by adding Subsection (e) to read as follows:  
(e) The district may purchase, sell, breed, raise, and own wildlife and may perform animal husbandry activities not otherwise prohibited by federal or state law.

SECTION 5. Section 8380.109(a), Special District Local Laws Code, is amended.

SECTION 6. Section 8380.053, Special District Local Laws Code, as added by this Act, applies only to a meeting called by the board of directors of the Lazy W Conservation District for which notice is posted on or after the effective date of this Act. A meeting called by that board for which notice is posted before the effective date of this Act is governed by the law in effect on the date the notice is posted, and that law is continued in effect for that purpose.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Section 8380.107, Special District Local Laws Code, is amended by adding Subsection (e) to read as follows:  
(e) The district may own, protect, and care for wildlife in a manner not otherwise prohibited by federal or state law.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. (a) The legislature validates and confirms all governmental acts and proceedings, including annexation of territory, adoption of rules, and elections, of the Lazy W Conservation District that were taken before the effective date of this Act.  
(b) This section does not apply to any matter that on the effective date of this Act:  
(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or  
(2) has been held invalid by a final court

judgment.

SECTION 7. This Act takes effect September 1, 2013.

SECTION 8. 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.