BILL ANALYSIS

BACKGROUND AND PURPOSE

There is concern that statutes governing the Montgomery County Water Control and Improvement District No. 2 do not address the powers and duties of the district related to fill projects. Interested parties support allowing the district to finance and construct fill projects for the purposes of reclamation, flood protection, and drainage of property. C.S.H.B. 3890 seeks to achieve this goal by amending the law relating to the powers and duties of the Montgomery County Water Control and Improvement District No. 2.

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. 3890 amends the Special District Local Laws Code to grant the Montgomery County Water Control and Improvement District No. 2 the powers and duties provided by the general law of Texas, including provisions of the Water Code applicable to all districts and levee improvement districts. The bill authorizes the district to reclaim land in the district and to construct works, facilities, and improvements necessary to accomplish that purpose. The bill authorizes the district to finance and contract for the construction of a fill project or for the acquisition of land for a fill project in the district, including drainage and reclamation, and requires the Texas Commission on Environmental Quality to consider the district to be a levee improvement district for the district's exercise of such a power or performance of a duty. The bill requires the district, for any fill or levee project located in the district and in the watershed of the San Jacinto River Basin, to obtain approval for the plan from any state or federal agency with jurisdiction to permit a project of the same type and from any municipality with a right to divert state water from a point located between the district and Lake Houston.

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. 3890 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	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subchapter C, Chapter 9041, Special District Local Laws Code, is	SECTION 1. Subchapter C, Chapter 9041, Special District Local Laws Code, is

amended by adding Section 9041.105 to read as follows:

Sec. 9041.105. POWERS AND DUTIES RELATED TO FILL PROJECTS. (a) The district has the powers and duties provided by the general law of this state, including Chapters 49 and 57, Water Code, applicable to levee improvement districts created under Section 59, Article XVI, Texas Constitution.

(b) The district may:

(1) reclaim land in the district; and

(2) construct works, facilities, and improvements necessary to accomplish that purpose.

(c) The district may finance and contract for the construction of a fill project or for the acquisition of land for a fill project in the district, including drainage and reclamation.

(d) For the district's exercise of a power of or performance of a duty of a levee improvement district as provided by Subsection (c), the Texas Commission on Environmental Quality shall consider the district to be a levee improvement district.

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(b) The district may:

(1) reclaim land in the district; and

(2) construct works, facilities, and improvements necessary to accomplish that purpose.

(c) The district may finance and contract for the construction of a fill project or for the acquisition of land for a fill project in the district, including drainage and reclamation.

(d) For the district's exercise of a power of or performance of a duty of a levee improvement district as provided by Subsection (c), the Texas Commission on Environmental Quality shall consider the district to be a levee improvement district.

(e) For any fill or levee project located in the district and in the watershed of the San Jacinto River Basin, the district shall obtain approval for the plan from any state or federal agency with jurisdiction to permit a project of the same type and from any municipality with a right to divert state water from a point located between the district and Lake Houston.

SECTION 2. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives

SECTION 2. Same as introduced version.

within the required time.

(d) All requirements of the constitution and 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 3.   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.

SECTION 3. Same as introduced version.