

## **BILL ANALYSIS**

C.S.H.B. 3402  
By: VanDeaver  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been reported that in response to the COVID-19 pandemic Texans are spending more time outside and utilizing parks and recreational facilities more frequently. The Franklin County Water District owns the land surrounding Lake Cypress Springs and maintains parks around the lake that are open to the public. The district has requested an amendment to the district's enabling legislation to grant road powers to the district to allow the district to construct roads on district property and to upgrade and maintain existing roads on district property and in its parks. This road authority will benefit district residents by ensuring that roads are maintained and improved by the district as needed. The district is not requesting additional taxing authority to fund this road authority and will pay for road work with non-tax revenue. C.S.H.B. 3402 seeks to address this request by granting the district certain road powers.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 3402 amends Chapter 719, Acts of the 59th Legislature, Regular Session, 1965, to authorize the Franklin County Water District to design, acquire, construct, improve, operate, maintain, and convey to the state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads. The bill authorizes the district to finance the road project with notes secured by non-tax revenue. The bill requires a road project to meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located. The bill requires a road project that is not located in a municipality's corporate limits or extraterritorial jurisdiction to meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located. The bill requires the Texas Transportation Commission to approve the road project's plans and specifications if the state will maintain and operate the road.

C.S.H.B. 3402 establishes that the district retains all rights, powers, privileges, authority, duties, and functions that it had before the bill's effective date.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3402 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute makes the following changes:

- removes the specification that the district's power to design, acquire, construct, improve, operate, maintain, and convey roads or related improvements is under specified Texas Constitution provisions; and
- replaces the district's power to finance a road or improvement under such provisions with the authority for the district to finance a road project with notes secured by non-tax revenue.

The substitute does not include provisions stating that all requirements of the constitution and laws of the state and the rules and procedures of the legislature with respect to the bill's notice, introduction, and passage are fulfilled and accomplished.