

BILL ANALYSIS

H.B. 1478
By: Wong
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Eminent domain is a sometimes controversial power of government whereby private property is taken for public use, but only in exchange for “adequate” compensation. There is an apparent contradiction in the law today concerning municipal management districts and their power of eminent domain.

The purpose of H.B. 1478 is to correct this legal contradiction and deny the power of eminent domain to 21 municipal management and improvement districts in Harris County.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to any state officer, department, agency or institution.

ANALYSIS

- SECTION 1. Amends Chapter 3801, Special District Local Laws Code, by denying the Houston Downtown Management District the power of eminent domain.
- SECTION 2. Amends Chapter 3802, Special District Local Laws Code, by denying the Westchase Management District the power of eminent domain.
- SECTION 3. Amends Chapter 3803, Special District Local Laws Code, by denying the Greater Greenspoint Management District of Harris County the power of eminent domain.
- SECTION 4. Amends Chapter 3804, Special District Local Laws Code, by denying the First Colony Management District the power of eminent domain.
- SECTION 5. Amends Chapter 3805, Special District Local Laws Code, by denying the Upper Kirby Management District the power of eminent domain.
- SECTION 6. Amends Chapter 3806, Special District Local Laws Code, by denying the Harris County Improvement District No. 2 the power of eminent domain.
- SECTION 7. Amends Chapter 3807, Special District Local Laws Code, by denying the Greater East End Management District the power of eminent domain.
- SECTION 8. Amends Chapter 3808, Special District Local Laws Code, by denying the East Downtown Management District the power of eminent domain.
- SECTION 9. Amends Chapter 3809, Special District Local Laws Code, by denying the Midtown Management District the power of eminent domain.
- SECTION 10. Amends Chapter 3810, Special District Local Laws Code, by denying the Harris County Municipal Management District No. 1 the power of eminent domain.
- SECTION 11. Amends Chapter 3811, Special District Local Laws Code, by denying the Near Northwest Management District the power of eminent domain.

- SECTION 12. Amends Chapter 3812, Special District Local Laws Code, by denying the Greater Northside Management District the power of eminent domain.
- SECTION 13. Amends Chapter 3814, Special District Local Laws Code, by denying the Energy Corridor Management District the power of eminent domain.
- SECTION 14. Amends Chapter 3815, Special District Local Laws Code, by denying the Greater Southeast Management District the power of eminent domain.
- SECTION 15. Amends Chapter 3817, Special District Local Laws Code, by denying the Aldine Community Improvement District the power of eminent domain.
- SECTION 16. Amends Chapter 784, Acts of the 78th Legislature, Regular Session, 2003, by denying the Baybrook Management District the power of eminent domain.
- SECTION 17. Amends Chapter 997, Acts of the 78th Legislature, Regular Session, 2003, by denying the Buffalo Bayou Management District the power of eminent domain.
- SECTION 18. Amends Chapter 1254, Acts of the 78th Legislature, Regular Session, 2003, by denying the Falls Creek Management District the power of eminent domain.
- SECTION 19. Amends Chapter 765, Acts of the 78th Legislature, Regular Session, 2003, by denying the Katy Towne Development District the power of eminent domain.
- SECTION 20. Amends Chapter 987, Acts of the 78th Legislature, Regular Session, 2003, by denying the Sienna Plantation Management District the power of eminent domain.
- SECTION 21. Amends Chapter 777, Acts of the 78th Legislature, Regular Session, 2003, by denying the Spring Branch Area Community Improvement Management District the power of eminent domain.
- SECTION 22. Effective Date.

EFFECTIVE DATE

Effective date is September 1, 2005 or immediately if approved by two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.