

BILL ANALYSIS

C.S.H.B. 3089
By: Dutton
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Harris County Fresh Water Supply District No. 48 is a recently created special district. There is concern that the law governing the district does not adequately provide for the circumstances under which the district may exercise its eminent domain powers. C.S.H.B. 3089 seeks to allow the district to acquire a site or easement from a governmental entity if the acquired property will be used for certain purposes in that 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. 3089 amends the Special District Local Laws Code to establish that the Harris County Fresh Water Supply District No. 48 has the powers and duties provided by the general law of the state, including provisions applicable to all water districts and provisions applicable to fresh water supply districts created under constitutional provisions relating to conservation and reclamation districts. The bill prohibits the district, if the district has assumed road district powers, from exercising the power of eminent domain outside the district to acquire a site or easement for a road project, unless the site or easement is owned by a governmental entity and will be used by the district to construct a road project serving the district, or a recreational facility as defined in the Water Code. The bill defines "district."

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3089 differs from the original by making the prohibition against the Harris County Fresh Water Supply District No. 48 exercising the power of eminent domain outside the district to acquire a site or easement for a road project unless certain conditions are met apply only if the district has assumed road district powers, whereas the original does not include that limitation. The substitute, in those same provisions, omits a provision included in the original specifying that the exception to the prohibition for a site or easement that will be used by the district to construct a road project serving the district applies to a road project that includes water or sanitary sewer facilities. The substitute differs from the original in nonsubstantive ways by conforming to certain bill drafting conventions.