

BILL ANALYSIS

Senate Research Center
86R8053 GRM-F

H.B. 1019
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State Affairs
5/16/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The comptroller of public accounts of the State of Texas (comptroller) collects information from entities authorized to exercise the power of eminent domain in order to compile a list of those entities and the legal authority granting eminent domain power to each entity. Interested parties note that many entities have lost the power of eminent domain due to a failure to comply with the deadlines for submission of a claim to eminent domain authority to the comptroller.

H.B. 1019 ensures that the comptroller has accurate information regarding certain conservation and reclamation districts that are authorized to exercise the power of eminent domain. H.B. 1019 will restore eminent domain authority to the following:

- Hidalgo County Irrigation District No. 6;
- Hidalgo County Municipal Utility District No. 1;
- Hidalgo County Irrigation District No. 16; and
- Hidalgo County Irrigation District No. 5.

H.B. 1019 amends current law relating to the authority of certain water districts to exercise the power of eminent domain.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. CERTAIN IRRIGATION DISTRICTS. Amends Subtitle D, Title 6, Special District Local Laws Code, by adding Chapters 7505, 7506, and 7509, as follows:

CHAPTER 7505. HIDALGO COUNTY IRRIGATION DISTRICT NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7505.001. DEFINITION. Defines "district" to mean the Hidalgo County Irrigation District No. 6 (district) for purposes of this chapter.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 7505.051. EMINENT DOMAIN. (a) Authorizes the district to exercise the power of eminent domain as provided by this section only if the district submits a letter to the comptroller of public accounts of the State of Texas (comptroller) not later than December 31, 2019, in accordance with the requirements of Section 2206.101(b) (relating to a required submission to the comptroller by entities authorized to exercise eminent domain power), Government Code, other than the requirement that the letter be submitted by the date specified by that subsection.

(b) Authorizes the district, notwithstanding the expiration of the district's authority to exercise the power of eminent domain under Section 2206.101(c) (relating to expiration of eminent domain authority if an entity does not submit the required letter), Government Code, to exercise the power of eminent domain as provided by law applicable to the district on or after the 90th day after the date the district submits a letter in accordance with Subsection (a).

CHAPTER 7506. HIDALGO COUNTY IRRIGATION DISTRICT NO. 16

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7506.001. DEFINITION. Defines "district" to mean the Hidalgo County Irrigation District No. 16 (district) for purposes of this chapter.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 7506.051. EMINENT DOMAIN. (a) Authorizes the district to exercise the power of eminent domain as provided by this section only if the district submits a letter to the comptroller not later than December 31, 2019, in accordance with the requirements of Section 2206.101(b), Government Code, other than the requirement that the letter be submitted by the date specified by that subsection.

(b) Authorizes the district, notwithstanding the expiration of the district's authority to exercise the power of eminent domain under Section 2206.101(c), Government Code, to exercise the power of eminent domain as provided by law applicable to the district on or after the 90th day after the date the district submits a letter in accordance with Subsection (a).

CHAPTER 7509. HIDALGO COUNTY IRRIGATION DISTRICT NO. 5

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7509.001. DEFINITION. Defines "district" to mean the Hidalgo County Irrigation District No. 5 (district) for purposes of this chapter.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 7509.051. EMINENT DOMAIN. (a) Authorizes the district to exercise the power of eminent domain as provided by this section only if the district submits a letter to the comptroller not later than December 31, 2019, in accordance with the requirements of Section 2206.101(b), Government Code, other than the requirement that the letter be submitted by the date specified by that subsection.

(b) Authorizes the district, notwithstanding the expiration of the district's authority to exercise the power of eminent domain under Section 2206.101(c), Government Code, to exercise the power of eminent domain as provided by law applicable to the district on or after the 90th day after the date the district submits a letter in accordance with Subsection (a).

SECTION 2. HIDALGO COUNTY MUNICIPAL UTILITY DISTRICT NO. 1. Amends Subtitle F, Title 6, Special District Local Laws Code, by adding Chapter 7963, as follows:

CHAPTER 7963. HIDALGO COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7963.001. DEFINITION. Defines "district" to mean the Hidalgo County Municipal Utility District No. 1 (district) for purposes of this chapter.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 7963.051. EMINENT DOMAIN. (a) Authorizes the district to exercise the power of eminent domain as provided by this section only if the district submits a letter to the comptroller not later than December 31, 2019, in accordance with the requirements of Section 2206.101(b), Government Code, other than the requirement that the letter be submitted by the date specified by that subsection.

(b) Authorizes the district, notwithstanding the expiration of the district's authority to exercise the power of eminent domain under Section 2206.101(c), Government Code, to exercise the power of eminent domain as provided by law applicable to the district on or after the 90th day after the date the district submits a letter in accordance with Subsection (a).

SECTION 3. EFFECTIVE DATE. Effective date: upon passage or September 1, 2019.