

SENATE AMENDMENTS

2nd Printing

By: Harless, Davis of Harris, Murphy,
Thompson of Harris, Perez

H.B. No. 3782

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the right to remove property encroaching on areas owned
3 or controlled by the Harris County Flood Control District.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 360, Acts of the 45th Legislature,
6 Regular Session, 1937, is amended by adding Section 2A to read as
7 follows:

8 Sec. 2A. Right to Remove Property. (a) In this section,
9 "district" means the Harris County Flood Control District.

10 (b) In order to carry out district purposes, the district
11 may remove real or personal property placed on land owned by the
12 district or land subject to an easement held by the district,
13 regardless of when the real or personal property was put in place
14 and without the consent of the owner of the property. The district
15 must send notice by certified mail to the owner of property on which
16 the district intends to act under this section. Not earlier than
17 the 14th day after the date the notice is sent, the district must
18 send a second notice by certified mail. The district may use
19 existing civil lawsuit processes against the owner of the property
20 to recover the cost of removing the property not earlier than the
21 seventh day after the date the second notice was received.

22 (c) In a suit brought by a property owner regarding the
23 removal of property under this section, a court may deny a request
24 for temporary injunctive relief against the district and may issue

1 injunctive relief allowing the district to remove the property if
2 the district shows a substantial likelihood of success on the
3 merits.

4 SECTION 2. This Act takes effect September 1, 2019.

ADOPTED

MAY 22 2019

Leta Stovall
Secretary of the Senate

By: *Carl Allen*

H.B. No. 3782

Substitute the following for H.B. No. 3782:

By: *Brandon Coughton*

C.S. H.B. No. 3782

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13 regardless of when the real or personal property was put in place
14 and without the consent of the owner of the property. The district
15 must send notice by certified mail to the owner of property on which
16 the district intends to act under this section. Not earlier than
17 the 30th day after the date the notice is sent, the district must
18 send a second notice by certified mail. The district may use
19 existing civil lawsuit processes against the owner of the property
20 to recover the cost of removing the property not earlier than the
21 30th day after the date the second notice was received.

22 SECTION 2. This Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 23, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3782 by Harless (Relating to the right to remove property encroaching on areas owned or controlled by the Harris County Flood Control District.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Acts of the 45th Legislature, Regular Session, 1937 to authorize certain flood control districts to remove real or personal property placed on land owned by the district or land subject to an easement held by the district. The bill would also authorize existing civil lawsuit processes against the owner of the property by the district to recover the cost of removing the property.

Local Government Impact

According to the Harris County Flood Control District (HCFCD), the bill would significantly reduce existing costs due to encroachments within the channel right-of-way. HCFCD estimates that current expenditures due to these encroachments are \$1.8 million per year from increased mowing costs as well as increased maintenance and capital construction costs. The bill would allow the District to remove all of these encroachments eventually and reduce expenditures by this amount.

Source Agencies:

LBB Staff: WP, SZ, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 17, 2019

TO: Honorable Charles Perry, Chair, Senate Committee on Water & Rural Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3782 by Harless (Relating to the right to remove property encroaching on areas owned or controlled by the Harris County Flood Control District.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Acts of the 45th Legislature, Regular Session, 1937 to authorize certain flood control districts to remove real or personal property placed on land owned by the district or land subject to an easement held by the district. The bill would also authorize existing civil lawsuit processes against the owner of the property by the district to recover the cost of removing the property.

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Source Agencies:

LBB Staff: WP, SZ, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 10, 2019

TO: Honorable Charles Perry, Chair, Senate Committee on Water & Rural Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3782 by Harless (Relating to the right to remove property encroaching on areas owned or controlled by the Harris County Flood Control District.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Acts of the 45th Legislature, Regular Session, 1937 to authorize certain flood control districts to remove real or personal property placed on land owned by the district or land subject to an easement held by the district. The bill would also authorize a cause of action against the owner of the property by the district to recover the cost of removing the property.

Local Government Impact

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Source Agencies:

LBB Staff: WP, SZ, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 10, 2019

TO: Honorable Lyle Larson, Chair, House Committee on Natural Resources

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3782 by Harless (Relating to the right to remove property encroaching on areas owned or controlled by the Harris County Flood Control District.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Acts of the 45th Legislature, Regular Session, 1937 to authorize certain flood control districts to remove real or personal property placed on land owned by the district or land subject to an easement held by the district. The bill would also authorize a cause of action against the owner of the property by the district to recover the cost of removing the property.

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Source Agencies:

LBB Staff: WP, SZ, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 1, 2019

TO: Honorable Lyle Larson, Chair, House Committee on Natural Resources

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3782 by Harless (Relating to the right to remove property encroaching on areas owned or controlled by the Harris County Flood Control District.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Acts of the 45th Legislature, Regular Session, 1937 to authorize certain flood control districts to remove real or personal property placed on land owned by the district or land subject to an easement held by the district and authorizes a cause of action against the owner of the property by the district to recover the cost of removing the property.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time because the amount of property that would be subject to the provisions of the bill is unknown.

Source Agencies:

LBB Staff: WP, SZ, SD, GP