

BILL ANALYSIS

C.S.H.B. 2094
By: Martinez
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Hidalgo County Drainage District Number 1 has numerous property interests in Hidalgo County. Encroachments on those properties from neighboring properties are a common problem and make maintaining the critical flood prevention infrastructure in the county more costly to the taxpayers and difficult for the district. Concerns have been raised regarding the expensive and time-consuming process to remove these encroachments. C.S.H.B. 2094 seeks to address these concerns by authorizing the district to remove real or personal property placed on land owned by the district or land subject to an easement held by the district without the consent of the property's owner but with notice.

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. 2094 authorizes the Hidalgo County Drainage District Number 1, in order to carry out district purposes, to remove real or personal property placed on land owned by the district or land subject to an easement held by the district, regardless of when the property was put in place and without the consent of the property's owner. The bill provides for certain notice by the district to the property's owner regarding district action under the bill's provisions and authorizes the district to use existing civil lawsuit processes against the property's owner to recover the cost of removing the property after a certain time period. The bill does not apply to property owned by a telecommunications provider, defined by reference to the Utilities Code.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2094 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 includes an exemption from the bill's provisions for property owned by a telecommunications provider, defined by reference to the Utilities Code, whereas the original did not include this exemption or definition.