

BILL ANALYSIS

Senate Research Center
87R9820 MP-F

H.B. 4592
By: Oliverson (Kolkhorst)
Local Government
5/18/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 4592 creates the Harris County Water Control and Improvement District No. 164 (district) under Chapter 51, Water Code, whose core function is to construct, own, and operate drainage improvements. The district covers approximately 192 acres and is located in the unincorporated area of Harris County.

H.B. 4592 amends current law relating to the creation of the Harris County Water Control and Improvement District No. 164, grants a limited power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments, fees, and taxes.

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. Amends Subtitle I, Title 6, Special District Local Laws Code, by adding Chapter 9089, as follows:

CHAPTER 9089. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 164

Sets forth standard language for the creation of the Harris County Water Control and Improvement District No. 164 (District) in Harris County. Sets forth standards, procedures, requirements, and criteria for:

General provisions, including the nature of the district, the requirements to confirm the creation of the district, consent to creation of the district by certain municipalities, findings of public purpose and benefit of the district, and initial district territory (Sections 9089.0101-9089.0106);

Size, composition, election, and terms for the board of directors, including provisions related to initial temporary directors (Sections 9089.0201-9089.0202);

Powers and duties of the district (Section 9089.0301-9089.0306);

General financial provisions, including the authority to impose an ad valorem tax once approved by voters at an election, the authority to impose certain other taxes, and authority to issue certain bonds and other obligations (Sections 9089.0401-9089.0504).

Prohibits the district from exercising the power of eminent domain outside the district boundaries to acquire a site or easement for a road project authorized by Section 9089.0303 (Authority for Road Projects) or a recreational facility as defined by Section 49.462 (Definitions), Water Code.

SECTION 2. Sets forth the initial boundaries of the district.

SECTION 3. Provides that all the requirements of the constitution and the laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) Provides that Section 9089.0306, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) Provides that if this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 9089, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9089.0306, as follows:

Sec. 9089.0306. NO EMINENT DOMAIN POWER. Prohibits the district from exercising the power of eminent domain.

(c) Provides that this section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2021.