

BILL ANALYSIS

C.S.S.B. 1250
By: Bettencourt
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

After suffering several major flooding events, including the Tax Day Flood, the Memorial Day Flood, and Hurricane Harvey, the Board of Directors of Harris County Water Control and Improvement District No. 110 has indicated that it wants to make certain that all detention ponds within the boundaries of the district are working as designed. Reportedly, only a fraction of the private stormwater detention facilities in the district are actually permitted by the district. Although Harris County requires that property owners maintain a significant number of the stormwater detention facilities that are not permitted by the district, no entity has authority to mandate that upkeep. In an effort to mitigate flooding, the district is seeking legislation that would authorize the district to issue annual compliance permits validating that a stormwater detention facility is performing as designed and as applicably approved and to assess reasonable charges and fees for the implementation, administration, and enforcement of the permits. C.S.S.B. 1250 would ensure that this district's stormwater detention facilities are being utilized safely for their intended purposes by allowing the district to oversee a regulatory program, issue certificates of compliance, and enable the district to impose a penalty on noncompliant owners.

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.S.B. 1250 amends the Special District Local Laws Code to authorize the Harris County Water Control and Improvement District No. 110 to implement a program to require and issue an annual written certificate of compliance to the owner or operator of a stormwater detention facility within the district's boundaries to ensure that each such facility is operating to abate flooding as designed and approved by the applicable regulatory authority. The bill authorizes the district to do the following:

- assess reasonable charges and fees for the implementation, administration, and enforcement of the program; and
- impose a fine or penalty on the owner or operator of a facility for the failure to hold a certificate as required by the district under the program.

These provisions do not apply to a stormwater detention facility that is owned or operated by a public entity other than the district or that operates under a permit held by a public entity other than the district.

C.S.S.B. 1250 establishes that the district retains all the rights, powers, privileges, authority, duties, and functions that it had before the bill's effective date. The bill provides for the validation and confirmation of certain district actions and proceedings taken before the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1250 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a provision not in the engrossed establishing that the district's authority to implement a program, assess certain charges and fees, and impose certain fines or penalties is not applicable to a stormwater detention facility that is owned or operated by a public entity other than the district or that operates under a permit held by a public entity other than the district.