

BILL ANALYSIS

C.S.H.B. 4117
By: Walle
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that the limited authority under which certain counties, such as Harris County, may acquire a right-of-way impairs the county's ability to ensure adequate drainage and mitigate the risk of flooding. To increase such a county's ability to ensure public safety, C.S.H.B. 4117 seeks to provide the authority to acquire certain rights-of-way.

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. 4117 amends the Local Government Code to authorize the commissioners court of a county with a population of 3.3 million or more, after notice is published in a newspaper of general circulation in the county, to acquire by order a right-of-way on a strip of land that is undeveloped or part of a new site development or redevelopment plan if the acquisition is required by the county's master drainage plan.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4117 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 makes the following changes:

- does not specify that the published notice is notice of a master drainage plan;
- does not include the option for notice to be published on a county website as an alternative to newspaper publication; and
- specifies that the manner in which the county acquires the right-of-way is by order.