

BILL ANALYSIS

Senate Research Center
83R10108 SLB-F

S.B. 1841
By: Taylor
Intergovernmental Relations
3/29/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This local bill is proposed to create Harris County Water Control and Improvement District No. 161 (district) in the corporate limits of the City of Houston in Harris County. Municipal utility districts and other water districts, such as water control and improvement districts, are widely used in the greater Houston region to provide essential water, sewer, drainage, parks, and road infrastructure to the areas within their boundaries.

This district is proposed to cover approximately 412 acres of currently raw, undeveloped land. The property is proposed to be developed into approximately 1,000 high-end luxury homes with approximately 50 acres of office, medical office, and retail space.

The property is currently within the boundaries of the Clearlake City Water Authority, which supports the creation of a water control and improvement district for this property. Under general law, in order to be removed from the Clearlake City Water Authority, the district must be created as a water control and improvement district.

As proposed, S.B. 1841 amends current law relating to the creation of the Harris County Water Control and Improvement District No. 161, grants the power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments, fees, or 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 9047, as follows:

CHAPTER 9047. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 161

Sets forth standard language for the creation of the Harris County Water Control and Improvement District No. 161 (district) in Harris County. Sets forth standards, procedures, requirements, and criteria for:

Creation, purpose, and approval of the district (Sections 9047.001-9047.007);

Size, composition, election, and terms of the board of directors, including the appointment of temporary directors (Sections 9047.051-9047.052);

Powers and duties of the district (Sections 9047.101-9047.106); and

General financial provisions and authority to impose a tax and to issue bonds and obligations for the district (Sections 9047.151-9047.203).

Prohibits the district from exercising the power of eminent domain outside the district boundaries to acquire a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal plant, a site for a park, swimming pool, or other recreational facility, as defined by Section 49.462 (Definitions), Water Code, an exclusive easement through a county regional park, or a site or easement for a road project.

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

SECTION 3. Provides that all 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 9047.106, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives two-thirds votes 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 9047, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9047.106, as follows:

Sec. 9047.106. 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) (relating to authorizing eminent domain only on a two-thirds vote of all members elected to each house), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2013.