

BILL ANALYSIS

Senate Research Center
86R18548 SLB-F

H.B. 4712
By: Miller (Creighton)
Water & Rural Affairs
5/15/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been reported that, due to recent floods in the Houston area, certain areas along the Brazos River are eroding at an unprecedented rate. It has also been suggested that, to help control and prevent further erosion, the board of directors of the Fort Bend County Levee Improvement District No. 7 would like to undertake a Brazos River erosion control design build project. H.B. 4712 seeks to help the board do so by setting out provisions relating to the district's powers and duties.

H.B. 4712 amends current law relating to the powers and duties of the Fort Bend County Levee Improvement District No. 7.

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 Section 7808.001(3), Special District Local Laws Code, to define "reuse project" rather than "project."

SECTION 2. Amends Subchapter B, Chapter 7808, Special District Local Laws Code, as follows:

SUBCHAPTER B. New heading: REUSE PROJECT POWERS AND DUTIES

Sec. 7808.151. New heading: ACQUISITION OF REUSE PROJECT. Authorizes the Fort Bend County Levee Improvement District No. 7 (district) to acquire a reuse project, rather than a project, including by purchase or lease.

Sec. 7808.152. New heading: CONSTRUCTION, MAINTENANCE, AND OPERATION OF REUSE PROJECT. Makes a conforming change to this section. Deletes Section 7808.153 (Delivery Method) and existing text authorizing the district to use alternative delivery methods under Chapter 2267 (Public and Private Facilities and Infrastructure), Government Code, as added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular Session, 2011, for a project, in addition to any method provided by Chapters 49 (Provisions Applicable to All Districts) and 57 (Levee Improvement Districts), Water Code.

Sec. 7808.154. New heading: CONVEYANCE OF REUSE PROJECT. Makes a conforming change to this section.

Sec. 7808.155. New heading: USE OF REUSE PROJECT WATER. Makes a conforming change to this section.

Sec. 7808.156. New heading: REUSE PROJECT FINANCING. Makes a conforming change to this section.

Sec. 7808.157. New heading: REUSE PROJECT BONDS. Makes a conforming change to this section.

Sec. 7808.158. New heading: JOINT REUSE PROJECT. Makes a conforming change to this section.

Sec. 7808.159. MUNICIPAL APPROVAL. Makes conforming changes to this section.

SECTION 3. Amends Chapter 7808, Special District Local Laws Code, by adding Subchapter C, as follows:

SUBCHAPTER C. CONTRACTS

Sec. 7808.201. DELIVERY METHOD. Authorizes the district, notwithstanding the limitations provided by Sections 2269.003 (Conflict of Laws; Requirement to Follow Procedures of This Chapter) and 2269.352 (Applicability), Government Code, for the design and construction of erosion control facilities located in or adjacent to the Brazos River and any related facility or improvement, to use a delivery method described by Chapter 2269 (Contracting and Delivery Procedures For Construction Projects), Government Code, or Subchapter I (Construction, Equipment, Materials, and Machinery Contracts), Chapter 49, Water Code.

SECTION 4. Effective date: upon passage or September 1, 2019.