

## **BILL ANALYSIS**

Senate Research Center  
87R16695 SLB-D

H.B. 2094  
By: Martinez (Hinojosa)  
Local Government  
5/11/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Hidalgo County Drainage District No. 1 (HCDD1) was created on April 9, 1908, by order of the commissioners court of Hidalgo County, Texas, pursuant to an election held within the territory affected on March 24, 1908. Originally organized under provisions of Article III, Section 52, of the Constitution of Texas, the district was later converted to a conservation and reclamation district under the provisions of Article XVI, Section 59, of the Texas Constitution. Since its creation, the board of directors has been made up of the county judge and four county commissioners.

HCDD1 has had many issues with encroachment on land owned by HCDD1 and/or land subject on an easement held by HCDD1. To remedy this problem, HCDD1 would like to see legislation similar to legislation regarding the Harris County Flood Control District during the 86th Legislative Session (H.B. 3782). H.B. 3782 authorized the Harris County Flood Control District to remove real or personal property on land owned by the Harris County Flood Control District or land subject to an easement held by the Harris County Flood District. HCDD1 believes this legislation will help safeguard the health and safety of Hidalgo County citizens, as these encroachments prevent the proper operation of HCDD1's drainage system.

H.B. 2094 seeks to address these concerns by authorizing the district to remove real or personal property placed on land owned by the district or land subject to an easement held by the district without the consent of the property's owner but with notice.

H.B. 2094 amends current law relating to the right to remove property encroaching on areas owned or controlled by the Hidalgo County Drainage District Number 1.

### **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. (a) Defines "telecommunications provider."

(b) Provides that this section does not apply to property owned by a telecommunications provider.

(c) Authorizes the Hidalgo County Drainage District Number 1 (district), in order to carry out district purposes, to remove real or personal property placed on land owned by the district or land subject to an easement held by the district, regardless of when the real or personal property was put in place and without the consent of the owner of the property. Requires the district to send notice by certified mail to the owner of property on which the district intends to act under this section. Requires the district, not earlier than the 30th day after the date the notice is sent, to send a second notice by certified mail. Authorizes the district to use existing civil lawsuit processes against the owner of the property to recover the cost of removing the property not earlier than the 30th day after the date the second notice was received.

SECTION 2. Effective date: September 1, 2021.