

BILL ANALYSIS

Senate Research Center
87R10230 SLB-D

S.B. 1333
By: Hinojosa
Local Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Hidalgo County Drainage District No. 1 (district) 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 Texas Constitution, 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.

The district has had many issues with encroachment on land owned by the district and/or land subject on an easement held by the district. To remedy this problem, the district 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. See attached bill. The district believes this legislation will help safeguard the health and safety of Hidalgo County citizens, as these encroachments prevent the proper operation of the district's drainage system.

S.B. 1333 would authorize 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, regardless of when the property was put in place and without the consent of the property's owner.

As proposed, S.B. 1333 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. Authorizes the Hidalgo County Drainage District Number 1, 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.