

BILL ANALYSIS

Senate Research Center

S.B. 1250
By: Bettencourt
Local Government
6/6/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1250 would provide Harris County Water Control and Improvement District No. 110 (district) the authority to issue annual compliance permits for unpermitted storm water detention facilities within the boundaries of the district.

After suffering several major flooding events, including the Tax Day Flood (April 2016), the Memorial Day Flood (May 2016), and Hurricane Harvey (August 2017), the board of directors of the district wants to ensure that all detention ponds within the boundaries of the district are working as designed. There are currently 40 private storm water detention facilities within the boundaries of the district, with only 9 of the 40 being permitted by Harris County Flood Control District (HCFCD). Although the plats filed of record with Harris County require that property owners maintain the 31 storm water detention facilities which are not permitted by HCFCD, no entity currently has authority to mandate the maintenance and repairs of those 31 facilities. The district is seeking such authority in this proposed bill.

In an effort to mitigate flooding, the district is seeking legislation which would provide it with the authority to (1) issue annual compliance permits validating that a storm water detention facility is performing as designed to abate flooding and as designed and approved by the regulatory authorities exercising jurisdiction, and (2) assess reasonable charges and fees for the implementation, administration, and enforcement of the annual compliance permit. The district is working with Harris County and HCFCD on the implementation of this certification process. These new district powers will not interfere nor conflict with any powers granted to Harris County and/or HCFCD, but, rather, will supplement their permitting authority by ensuring that ALL detention ponds within the district are operating at their intended capacity.

No additional taxes will be required to implement the procedures contemplated in this bill. These ponds are already owned by commercial property owners and this legislation does not provide any additional eminent domain authority to the district nor does the district intend to exercise any eminent domain authority in the implementation of this legislation.

S.B. 1250 seeks to increase flood mitigation efforts within the district.

S.B. 1250 amends current law relating to the powers of the Harris County Water Control and Improvement District No. 110 and provides authority to impose a fee and impose fines and penalties.

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 F, Title 6, Special District Local Laws Code, by adding Chapter 7938, as follows:

CHAPTER 7938. HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
NO. 110

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7938.0101. DEFINITION. Defines "district."

SUBCHAPTER B. POWERS AND DUTIES

Sec. 7938.0201. AUTHORITY TO ISSUE CERTIFICATES OF COMPLIANCE FOR STORMWATER DETENTION FACILITIES. (a) Authorizes the Harris County Water Control and Improvement District No. 110 (district) to implement a program to require and issue an annual written certificate of compliance to the owner or operator of a stormwater detention facility within the boundaries of the district to ensure that each stormwater detention facility is operating to abate flooding as designed and approved by the applicable regulatory authority.

(b) Authorizes the district to assess reasonable charges and fees for the implementation, administration, and enforcement of this section.

(c) Authorizes the district to impose a fine or penalty on the owner or operator of a stormwater detention facility for the failure to hold a certificate of compliance as required by the district under this section.

(d) Provides that this section does not apply to a stormwater detention facility that is owned or operated by a public entity other than the district or that operates under a permit held by a public entity other than the district.

SECTION 2. Provides that the district retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 3. (a) Provides that the legislature validates and confirms all governmental acts and proceedings of the district that were taken before the effective date of this Act.

(b) Provides that this section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

SECTION 4. Effective date: upon passage or September 1, 2023.