

## **BILL ANALYSIS**

Senate Research Center  
87R10601 ANG-F

H.B. 4606  
By: Vasut (Taylor)  
Local Government  
5/11/2021  
Engrossed

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

H.B. 4606 creates the Brazoria County Water Control and Improvement District No. 10 (district) under Chapter 51, Water Code, whose core function is to construct, own, and operate drainage improvements. The district covers approximately 756 acres and is located in the extraterritorial jurisdiction of the City of Alvin, Texas.

H.B. 4606 amends current law relating to the creation of the Brazoria County Water Control and Improvement District No. 10, grants a limited power of eminent domain, provides authority to issue bonds, and provides authority to impose assessments, fees, and 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 9090, as follows:

#### **CHAPTER 9090. BRAZORIA COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10**

Sets forth standard language for the creation for the Brazoria County Water Control and Improvement District No. 10 (district) in Brazoria County. Sets forth standards, procedures, requirements, and criteria for:

General provisions, including the nature of the district, requirements to confirm the creation of the district by election and to elect five permanent directors, consent to creation of the district by certain municipalities, the public purpose of the district and the initial district territory (Sections 9090.0101-9090.0106);

Size, composition, election, and terms for the board of directors, including provisions related to initial temporary directors (Sections 9090.0201-9090.0202);

Powers and duties of the district (Sections 9090.0301-9090.0306);

General financial provisions, including the authority to impose an ad valorem tax once approved by the voters at an election, and the authority to impose certain other taxes (Sections 9090.0401-9090.0403); and

Authority to issue certain bonds and other obligations (Sections 9090.0501-9090.0504).

Prohibits the district from exercising the power of eminent domain outside the district boundaries to acquire a site or easement for a road project authorized by Section 9090.0303 or a recreational facility as defined by Section 49.462 (Definitions), Water Code.

SECTION 2. Sets forth the initial boundaries of the district.  
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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 9090.0306, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote 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 9090, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9090.0306, as follows:

Sec. 9090.0306. 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), Article I, Texas Constitution.

SECTION 5. Effective date: upon passage or September 1, 2021.