

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1830  
By: Shapleigh  
Intergovernmental Relations  
4-3-97  
Committee Report (Substituted)

### **DIGEST**

Currently, the town of Clint, a small community located southeast of El Paso, does not own or operate a municipal water or wastewater system. The only water distribution system located within the town limits is operated by the Clint Independent School District and it does not serve all of the residents of Clint. This bill authorizes the trustees of the Clint Independent School District to sell the school district's interest in the existing water distribution system to the Lower Valley Water District in order to allow the water district to annex and serve the territory currently served by the school district.

### **PURPOSE**

As proposed, C.S.S.B. 1830 authorizes the trustees of the Clint Independent School District to sell the school district's interests in the existing water distribution system to the Lower Valley Water District in order to allow the water district to annex and serve the territory currently served by the school district.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. DEFINITIONS. Defines "board," "commission," "district," "school district," and "town."

SECTION 2. FINDINGS RELATING TO TERRITORY CHANGE AND EXTENSION OF SERVICES. Provides that the legislature finds that the town of Clint is located in El Paso County and does not own or operate a municipal water or wastewater system. Sets forth findings regarding the Clint Independent School District (district) and the operation of the water distribution system.

SECTION 3. AMENDMENT. Sets forth a land description of the territory to be included in the authority.

SECTION 4. FINDING RELATING TO BOUNDARY DESCRIPTION. Provides that the territory of the district, as described in SECTION 3, forms a closure. Provides that a mistake made in copying the field notes during the legislative process or a mistake in the field notes does not affect the organization, operations, existence, or validity of the district, nor the right to issue certain bonds, or the right to assess, levy, and collect taxes.

SECTION 5. FINDINGS RELATING TO BENEFIT. Provides that the territory in the district is benefitted by the works and projects of the district and the district serves a public use and benefit.

SECTION 6. CONDITIONS FOR TERRITORY CHANGE AND EXTENSION OF SERVICES. Requires the board to request the Texas Natural Resource Conservation Commission (TNRCC) to enter an order adding the territory of the town to the district if certain conditions apply. Sets forth conditions. Sets forth conditions the district may require before the district makes the purchase described in Subsection (a)(6) of this section. Authorizes the district to enter into a wholesale water supply contract with the City of El Paso's Water Utilities Public Service Board for purposes of

providing water service within the territory of the town added to the district.

**SECTION 7. TERRITORY CHANGE ORDER; FILING REQUIREMENT.** Requires TNRCC to enter an order adding the territory of the town to the district if TNRCC determines that the conditions of SECTION 6 of this Act are satisfied, on receipt of a request under SECTION 6 of this Act. Requires TNRCC to file a certified copy of an order issued under Subsection (a) of this section with the secretary of state and in the deed of records in El Paso County.

**SECTION 8. EFFECTIVE DATE OF TERRITORY CHANGE.** Provides that the territory change of the district as described by SECTION 7 of this Act becomes effective on the date TNRCC files certified copies of the territory change as required by SECTION 7(b) of this Act.

**SECTION 9. CONTESTED CASE EXCEPTION.** Provides that an order issued under SECTION 7(a) of this Act is not a contested case for purposes of Chapter 2001, Government Code.

**SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.** Establishes the proper and legal notice of intention and the notice and copy of this Act to certain persons. Provides that TNRCC has filed its recommendations with certain persons. Provides that requirements of the constitution and laws of this state and the rules and procedures of the legislature are fulfilled and accomplished.

**SECTION 11. NONAPPLICABILITY OF CERTAIN PROVISIONS.** Provides that the district is not subject to Section 42.042, Local Government Code, and Section 54.016, Water Code, in adding territory in the town to the district in accordance with this Act.

**SECTION 12. RULES OF CONSTRUCTION.** Provides that a finding that a provision of this Act is invalid does not affect the validity of the remaining provisions of this Act. Requires this Act to be given liberal and broad construction to carry out the expressed purposes of this Act.

**SECTION 13. EFFECTIVE DATE OF SECTION 3.** Provides that the change in law made by SECTION 3 of this Act takes effect on the date on which TNRCC completes filing copies of the territory change order with the secretary of state and in the deed records of El Paso County as required by SECTION 7(b) of this Act.

**SECTION 14. Emergency clause.**  
Effective date: upon passage.

## **SUMMARY OF COMMITTEE CHANGES**

### **SECTION 1.**

Redesignates SECTION 1 to SECTION 2. Establishes a heading. Defines "board," "commission," "district," "school district," and "town."

### **SECTION 2.**

Redesignates SECTION 2 from SECTION 1. Establishes heading. Provides that the town is located in El Paso. Sets forth findings relating to the town. Deletes a provision providing that all residents of the town of Clint may not be served by the water distribution system.

### **SECTION 3.**

Redesignates SECTION 2 to SECTION 3, and deletes proposed text regarding the description of territory. Establishes a heading. Sets forth a new description of territory describing the town. Provides that a parcel of land containing, rather than continuing, 5 square miles in the county of El Paso, Texas is described in a certain manner.

#### SECTION 4.

Redesignated from proposed SECTION 3, regarding the functions and rights of the district.  
Establishes a heading.

#### SECTION 5.

Redesignates SECTION 4, regarding benefitted works and projects of the district.  
Establishes a heading.

#### SECTION 6.

Deletes proposed SECTION 6. Establishes a heading. Sets forth conditions for territory change and extension of services.

#### SECTION 7.

Deletes proposed SECTION 7. Establishes a heading. Sets forth conditions regarding territory change orders and filing requirements.

#### SECTION 8.

Deletes proposed SECTION 8. Establishes a heading. Sets forth a provision for the effective date of territory change.

#### SECTION 9.

Deletes proposed SECTION 9. Establishes a heading. Sets forth a provision for a contested case exception.

#### SECTION 10.

Deletes proposed SECTION 10. Establishes a heading. Sets forth provisions regarding findings relating to procedural requirements.

#### SECTION 11.

Deletes proposed SECTION 11. Establishes a heading. Sets forth provisions regarding nonapplicability of certain provisions.

#### SECTION 12.

Deletes proposed SECTION 12. Establishes a heading. Sets forth provisions regarding rules of construction.

#### SECTION 13.

Deletes proposed SECTION 13. Establishes a heading. Sets forth a provision regarding the effective date of SECTION 3.

#### SECTION 14.

Redesignated from SECTION 10. Establishes a heading. Sets forth the emergency clause.