

BILL ANALYSIS

Senate Research Center
77R11251 JJT-D

H.B. 3034
By: Najera (Shapleigh)
Natural Resources
5/6/2001
Engrossed

DIGEST AND PURPOSE

There is concern that the property owners who are serviced by the Lower Valley Water District (district) in El Paso County are being charged a wastewater fee (fee) even though they are not utilizing the wastewater service. These individuals also claim that the district did not provide them with a notice indicating that the fees would be charged. H.B. 3034 sets forth the manner and content of notices that must be sent before the district is allowed to assess the fee.

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 Chapter 780, Acts of the 69th Legislature, Regular Session, 1985, by adding Section 14A, as follows:

Sec. 14A. (a) Requires the Lower Valley Water District (district) to give to each owner of property who is not receiving district sewer services and on whom the district imposes a fee to encourage connection to district sewer services a notice of the fee in both English and Spanish that includes certain information.

(b) Requires that for each person on whom the fee is imposed, the district give notice under Subsection (a) at least annually and by certified mail, return receipt requested. Requires the district to mail the notice to a person at least 90 days before the district first imposes the fee on the person.

(c) Requires the district to maintain records of responses received to the notifications mailed under this section. Requires the district to continue to notify a person until the district obtains and files the person's signed response to the notification.

(d) Requires the district to ensure a fee described by Subsection (a) is not imposed on a person unless it is clear that the person is required to pay the fee under district rules.

SECTION 2. Effective date: upon passage or September 1, 2001.

Requires that not later than the 30th day after the effective date of this Act, the Lower Valley Water District suspend any fee imposed by the district to which Section 14A, Chapter 780, Acts of the 69th Legislature, Regular Session, 1985, as added by this Act, applies. Prohibits the district from imposing the suspended fee on any person unless the district has on file the person's signed refusal of the district's sewer services in response to a notice as provided by Section 14A(c), Chapter 780, Acts of the 69th Legislature, Regular Session, 1985, as added by this Act.