

BILL ANALYSIS

Senate Research Center

S.B. 1833
By: Duncan, Seliger
Natural Resources
7/3/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Canadian River Municipal Water Authority (authority) was created by the legislature in 1953. Most of the current version of its enabling statute relates to that period, and as result, needs updating.

S.B. 1833 authorizes the board of directors the hold meetings by telephone conference calls, video conference calls, or through communications over the Internet; authorizes each director to receive a fee as provided for by general law for each day devoted to district business; authorizes the authority to dispose of surplus property; authorizes the authority to recover attorney's fees and costs; and authorizes the authority to enter into and modify contracts.

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 Section 5(b), Chapter 243, Acts of the 53rd Legislature, Regular Session, 1953, as follows:

(b). Authorizes the board of directors (board) or board committees of the Canadian River Municipal Water Authority to hold meetings by telephone conference call, videoconference call, or through communications over the Internet, in accordance with procedures provided by Subchapter F (Meetings Using Telephone, Videoconference, or Internet), Chapter 551 (Open Meetings), Government Code, if determined to be necessary or convenient by the president or any three members. Requires each board director to receive a fee as provided by general law for each day devoted to district business, rather than a fee of not more than fifty (\$50.00) dollars for each day devoted to district meetings other than a board meeting.

SECTION 2. Amends Section 13, Chapter 243, Acts of the 53rd Legislature, Regular Session, 1953, as follows:

Sec. 13. DISTRICT POWERS. Authorizes the district, in addition to previously authorized powers, rights, privileges, and functions, to sell or otherwise dispose of any surplus property of any kind, real, personal, or mixed, or any interest therein, which is prohibited from being necessary to the operation of the district in accordance with general law applicable to a municipality or to a district created under Section 59, Article XVI, Texas Constitution. Authorizes the district to sell or otherwise dispose of any surplus real property of any kind, real, personal, or mixed, or any interest therein, which is not be necessary to the operation of the district, provided, however, that in all cases in which the board of directors considers the value of surplus real property to be in excess of one thousand (\$1,000.00) dollars, the property shall be sold only upon advertisement and competitive bids. Authorizes the district to sue or be sued in its corporate name, provided that if the district prevails in a suit against a person or governmental entity entitled to recover attorney's fees, costs for expert witnesses, or any other related costs, the district is entitled to recover those fees and costs according to the same terms that would have governed recovery for the other person or governmental entity if the district had not prevailed.

SECTION 3. Amends Section 14, Chapter 243, Acts of the 53rd Legislature, Regular Session, 1953, as follows:

Sec. 14. New heading: CONTRACTS. Authorizes the district to negotiate, enter, and modify a contract in accordance with general law applicable to a municipality or to a district created under Section 59, Article XVI, Texas Constitution. Deletes existing text prohibiting any contract requiring an expenditure of more than twenty-five thousand (\$25,000.00) dollars from being made until after publication of a notice to bidders once each week for two weeks before awarding the contract. Deletes existing text requiring such notice to be sufficient if it states the time and place when and where the bids will be opened, the general nature of the work to be done, or the material, equipment or supplies to be purchased, and states when and upon what terms copies of the plans and specifications may be obtained. Deletes existing text requiring the publication to be in a newspaper published in the district designated by the board of directors.

SECTION 4. Makes application of Section 13, Chapter 243, Acts of the 53rd Legislature, Regular Session, 1953, as amended by this Act, prospective.

SECTION 5. Makes application of Section 14, Chapter 243, Acts of the 53rd Legislature, Regular Session, 1953, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2007.