

BILL ANALYSIS

S.B. 855
By: Zaffirini
Special Purpose Districts
Committee Report (Unamended)

BACKGROUND AND PURPOSE

This legislation would make four clarifying amendments to the enabling statute of the Canyon Regional Water Authority (CRWA), which was created by the legislature in 1989.

First, the legislation that created CRWA included the specific names of the authority's four initial member entities and failed to define "member entity," therefore, if a member entity leaves or joins CRWA, the statute technically should be amended. This bill defines a member entity as a water supply corporation or political subdivision whose territory has been added to the authority by legislative action or through a petition of the member entity's governing body. The new definition eliminates the need for the legislature to periodically amend the statute to add or delete members who join or resign.

S.B. 855 also amends the original act by clarifying that CRWA's territory is coexistent with its member entities' territories. If a new member is added, its area, covered by its Certificate of Convenience and Necessity (CCN), is added to the CRWA territory. Likewise, if a member resigns, it takes its CCN from CRWA.

S.B. 855 clarifies that a CRWA board member who also serves on the board or governing body of a CRWA member entity is not prohibited from serving on both boards by the common law doctrine of incompatibility. Such service on the CRWA board would be considered an extension of the director's duties on his or her original board.

Finally, the bill would amend that provision and make CRWA subject to the eminent domain powers found in Section 49.222, Water Code. This change requires CRWA to follow the eminent domain provisions followed by most other water districts in Texas.

S.B. 855 amends current law relating to the territory and board of the Canyon Regional Water Authority.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 1.02(a), Chapter 670, Acts of the 71st Legislature, Regular Session, 1989, by adding Subdivision (4-a), to define "member entity."

SECTION 2. Amends Section 2.03(a), Chapter 670, Acts of the 71st Legislature, Regular Session, 1989, as follows:

(a) Provides that the authority includes all the territory located in the service area of the member entities, rather than Crystal Clear Water Supply Corporation, the East Central Water Supply Corporation, the Green Valley Water Supply Corporation, and the Springs Hill Water Supply Corporation, as provided by their respective certificates of convenience and necessity, rather than as provided by their respective certificates of convenience and necessity issued by the commission.

SECTION 3. Amends Section 3.02, Chapter 670, Acts of the 71st Legislature, Regular Session, 1989, as follows:

Sec. 3.02. QUALIFICATIONS OF TRUSTEES. (a) Creates this subsection from existing text and makes no additional change to this subsection.

(b) Provides that a trustee who also serves on the governing body of a member entity is not a dual officeholder and is not prohibited by the common law doctrine of incompatibility from serving on both the board and the governing body.

(c) Provides that service on the board by a public officeholder is an additional duty of that person's office.

SECTION 4. Authorizes the authority to exercise the power of eminent domain as provided by Section 49.222 (Eminent Domain), Water Code, to acquire by condemnation a fee simple or other interest in property located in the territory of the authority if the property interest is necessary to the exercise of the rights or authority conferred by this Act.

SECTION 5. Repealer: Sections 4.03(b) (relating to the power of a special district to exercise eminent domain) and (c) (relating to temporary restraining orders before condemnation proceedings), Chapter 670, Acts of the 71st Legislature, Regular Session, 1989, are repealed.

SECTION 6. (a) 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 7. Provides the effective date of this Act.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2015.