

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1829  
By: Shapleigh  
Intergovernmental Relations  
4-3-97  
Committee Report (Substituted)

### **DIGEST**

Currently, the Lower Valley Water District (district) is a large municipal utility district which serves approximately one-quarter of the southeastern portion of El Paso County. The San Elizario Grant Municipal District (SEGMUD) is a small debt-free municipal utility district consisting of 1754 acres which is completely surrounded by the district. The district is expanding its water and wastewater system to serve the San Elizario area of El Paso County and will soon be in a position to serve the residents currently residing within SEGMUD. This bill would dissolve SEGMUD and transfer its territory, assets, and liabilities to the district.

### **PURPOSE**

As proposed, C.S.S.B. 1829 dissolves the San Elizario Grant Municipal Utility District and transfers its territory, assets, and liabilities to the Lower Valley Water 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," "SEGMUD," and "SEGMUD board."

SECTION 2. FINDINGS RELATING TO DISSOLUTION. Sets forth the legislative findings relating to the Lower Valley Water District (district) and the dissolution of the San Elizario Grant Municipal Utility District (SEGMUD).

SECTION 3. AMENDMENT. Amends Section 2(a), Chapter 780, Acts of the 69th Legislature, Regular Session, 1985, to delete reference to the San Elizario Municipal Utility District. Makes conforming and nonsubstantive changes.

SECTION 4. FINDING RELATING TO BOUNDARY DESCRIPTION. Provides that the legislature finds that the territory of the district, as described by Section 2(a), Chapter 780, Acts of the 69th Legislature, Regular Session, 1985, as amended by this Act, forms a closure. Provides that if a mistake is made in copying the field notes during the legislative process or if a mistake exists in the field notes, the mistake does not affect the organization, operation, existence, or validity of the district; the district's right to issue bonds; or the district's right to assess, levy, and collect taxes.

SECTION 5. FINDINGS RELATING TO BENEFIT. Sets forth the legislative findings relating to the benefits from the works and projects of the district.

SECTION 6. CONDITIONS FOR DISSOLUTION AND TERRITORY CHANGE ORDER. Authorizes the board of directors of the district (board) and the board of directors of SEGMUD (SEGMUD board) to jointly request the Texas Natural Resource Conservation Commission (commission) to enter an order dissolving SEGMUD and adding its territory to the district upon certain conditions being fulfilled.

SECTION 7. DISSOLUTION AND TERRITORY CHANGE ORDER; FILING REQUIREMENT.

Requires the commission, on receipt of a joint request under SECTION 6, to enter an order dissolving SEGMUD and adding its territory to the district if the commission determines that the conditions of SECTION 6 are satisfied. Requires the commission to file a copy of an order issued under Subsection (a) in the deed records of El Paso County. Provides that an order issued under Subsection (a) is effective.

SECTION 8. EFFECTIVE DATE OF DISSOLUTION AND TERRITORY CHANGE. Provides that the dissolution of SEGMUD and the territory change of the district as described by SECTION 7 becomes effective on the date the commission files a copy of the dissolution and territory change order as required by SECTION 7(b). Provides that on the effective date of dissolution and territory change, all property and other assets of SEGMUD are transferred to the district; and all debts, liabilities, and other obligations are assumed by the district.

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. Provides that the proper and legal notice of the intention to introduce this Act has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state. Provides that the commission has filed its recommendations with certain government officials within the required time. Provides that all requirements of the constitution and 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 11. 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 the Act to be given a liberal and broad construction to carry out the expressed purposes of this Act.

SECTION 12. 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 the commission files a copy of the dissolution and territory change order in the deed records of El Paso as required by SECTION 7(b) of this Act.

SECTION 11. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

Revises proposed relating clause.

#### SECTION 1.

Sets forth the proposed definitions of this Act.

#### SECTION 2.

Revises the legislative findings relating to dissolution of SEGMUD, formerly set forth in SECTION 1. Deletes previously proposed SECTION 2.

#### SECTION 3.

Amendes Section 2(a), Chapter 790, Acts of the 69th Legislature, Regular Session, 1985, to propose omitting reference to SEGMUD.

#### SECTION 4.

Revises the proposed text relating to findings in regard to the boundary descriptions set forth in SECTION 2, formerly in SECTION 3.

SECTION 5.

Revises proposed text relating to findings in regard to the benefit of the district, formerly set forth in SECTION 4. Deletes previously proposed SECTION 5.

SECTION 6.

Revises the proposed conditions required for dissolution and territory change under this Act.

SECTION 7.

Revises text relating to the dissolution and territory change order and filing requirements under this Act. Formerly set forth in SECTION 6(d). Deletes previously proposed SECTION 7.

SECTION 8.

Sets forth the proposed effective date of dissolution and territory change.

SECTION 9.

Sets forth proposed contested case exception. Deletes previously proposed SECTION 9.

SECTION 10.

Sets forth the findings relating to procedural requirements, previously in SECTION 8.

SECTION 11.

Revises the rules of construction of this Act, previously in SECTION 10.

SECTION 12.

Sets forth the effective date of SECTION 3.

SECTION 13.

Sets forth the emergency clause, previously in SECTION 11. Revises the effective date to upon passage.