

## **BILL ANALYSIS**

Senate Research Center  
76R12644 JJT-F

C.S.S.B. 1770  
By: Shapiro  
Natural Resources  
4/19/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, the Dallas County Utility and Reclamation District (district) is governed by a five-member elected board of directors. A person must reside in the district or own property in the district to hold a position on the board. C.S.S.B. 1770 would require the Irving City Council to appoint board members, and the members would be required to meet certain requirements.

### **PURPOSE**

As proposed, C.S.S.B. 1770 regulates the operations and board of directors of the Dallas County Utility and Reclamation District, and validates certain acts of the 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. Amends Section 5, Chapter 628, Acts of the 68th Legislature, Regular Session, 1983, to require the director of the Dallas County Utility and Reclamation District (district) to declare a vacancy by the board of directors and his successor shall be appointed by the City Council of the City of Irving (council). Requires each director to be at least 18 years of age and possess at least certain qualifications, including being an agent, employee, officer or director of any individual, corporation, trust, or partnership that owns or leases real property within the district, or be a resident of the City of Irving. Requires at least three of the five directors to be qualified as director under Section 49.052(a), Water Code, without consideration of any exceptions from that subsection provided by other provisions of Section 49.052, Water Code. Requires Section 49.052, Water Code, applies to the extent of this section and for no other purpose. Requires the five directors to remain as directors until their successors are duly appointed, rather than elected, and take office on October 1, 1999. Requires the council to appoint three directors for terms of four years and two directors for terms of two years, beginning with the first day of October, 1999. Requires the directors whose terms expire to be appointed by the council, rather than elected at an election, and shall serve for a term of four years, rather than one year, until their successor are appointed. Requires all vacancies on the board of directors to be filled by appointment to the unexpired term by the council rather than remaining directors. Authorizes the council to remove and replace any director it appoints at any time without cause. Provides that the city by appointment and removal of directors and any other action taken, except an action to dissolve the district under state law or any other specific action taken by the city, which action must be evidenced in writing, directly relating to any bond, note, financial obligation or contractual obligation of the district, does not assume, agree to pay, or guarantee the payment of certain financial obligations, whether in the form of securities or in other contractual forms, including the district's bonds. Requires the board, annually in the month of October, to reorganize and elect new officers. Requires each member of the board of directors to receive a per diem payment of \$50 for each regular or special board or committee meeting.

SECTION 2. Amends Section 14, Chapter 628, Acts of the 68th Legislature, Regular Session, 1983, to require the district to obtain the approval of the City of Irving in the form of a city council resolution as a condition precedent to the annexation of any additional land and the approval of its annual operation and maintenance budget.

SECTION 3. Provides that the organization of the district and its requirements are hereby in all things validated, ratified, and confirmed in all respects as if the actions had been done as authorized by law. Authorizes all bonds voted and all maintenance taxes authorized at elections held within the district to be

issued, levied, and collected by the board of directors of the district without the necessity of any further elections with respect thereto.

SECTION 4. 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 certain persons and organizations to which they are required to be furnished, including the governor, who has submitted the notice and Act to the Texas Natural Resource Conservation Commission (TNRCC). Provides that TNRCC has filed its recommendations related to this Act with certain persons. Provides that certain requirements with respect to the notice, introduction, and passage, of this Act are fulfilled and accomplished.

SECTION 5. Provides that SECTION 3 of this Act does not apply to an act, proceeding, election, bond, or obligation the validity of which is the subject of litigation that is pending on the effective date of this Act.

SECTION 6. Emergency clause.

Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 5, Chapter 628, Acts of the 68th Legislature, Regular Session, 1983, regarding the directors.

SECTION 3.

Amends SECTION 3 to provide that the organization of the district and its requirements are validated, ratified, and confirmed. Authorizes all bonds voted and all maintenance taxes authorized at elections held within the district to be issued, levied, and collected by the board of directors of the district without the necessity of any further elections with respect thereto. Deletes text regarding legislative findings.

SECTION 4.

Amends SECTION 4 to provide 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 certain persons and organizations to which they are required to be furnished, including the governor, who has submitted the notice and Act to the TNRCC. Provides that TNRCC has filed its recommendations related to this Act with certain persons. Provides that certain requirements with respect to the notice, introduction, and passage, of this Act are fulfilled and accomplished. Deletes text regarding the organization of the district and certain functions and actions. Deletes text regarding bonds.

SECTION 5.

Amends SECTION 5 to provide that SECTION 3 of this Act does not apply to an act, proceeding, election, bond, or obligation the validity of which is the subject of litigation that is pending on the effective date of this Act. Deletes severability clause. Deletes text regarding certain terms and provisions of this Act.

SECTION 6.

Amends SECTION 6 to provide the effective date of upon passage and emergency clause.