

BILL ANALYSIS

Senate Research Center
80R15193 SGA-F

C.S.H.B. 3559
By: Swinford (Duncan)
Natural Resources
5/18/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Canadian River Municipal Water Authority (CRMWA) was created by the Texas Legislature in 1953. Most legislation surrounding the CRMWA dates back to 1953 and is in need of an update.

C.S.H.B. 3559 allows the board of directors to hold meetings by telephone conference calls, video conference calls, or through communications over the Internet as authorized by Subchapter F (Meetings Using Telephone, Videoconference, or Internet), Chapter 551 (Open Meetings), Government Code. The bill also allows each director to receive a fee as provided by general law for each day of board service rather than the current limit of \$50.00 and provides that CRMWA can dispose of surplus property either in accordance with general laws applicable to a municipality or water district created under Section 59, Article XVI, of the Texas Constitution. C.S.H.B. 3559 allows the district, if it prevails in a lawsuit, to recover attorney's fees and costs according to the same terms that would have governed recovery for the other person or entity and allows the district to enter and modify contracts in accordance with general law applicable to a municipality or water district created under Section 59, Article XVI, Texas Constitution.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any 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) Includes language authorizing the board of directors of the Canadian River Municipal Water Authority or board committees 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 board of directors that is authorized under Chapter 551, Government Code, to include officers and employees of constituent cities of the district. Requires that each director receive a fee as provided by general law for each day devoted to district business, rather than not more than \$50.00 for each attendance at a board meeting and a fee of not more than \$50.00 for each day devoted to district business 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. (a) - (h) Makes no changes to these subsections.

(i) Includes among the district's powers and functions the power to sell or otherwise dispose of any surplus property of any kind, real, personal, or mixed, or any interest therein, which is not 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. Deletes existing text specifying the type of property addressed by this subsection.

(j) - (o) Makes no changes to these subsections.

(p) Entitles the district, if it prevails in a suit against a person or governmental entity, to recover attorney's fees, costs for expert witnesses, or any other related costs according to the same terms that would have governed recovery for the other person or governmental entity if the district had not prevailed.

(q) - (w) Makes no changes to these subsections.

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 \$25,000 to be made until after publication of a notice to bidders once each week for two weeks before awarding the contract and setting forth certain guidelines to which the notice is required to adhere.

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.