

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 821
By: Armbrister
Natural Resources
3/31/1999
Committee Report (Substituted)

DIGEST

Currently, Texas law provides that unincorporated areas have limited access to adequate purified water supply and sanitary sewer facilities. C.S.S.B. 821 authorizes a county to operate a water or sewer utility system and grants the power of eminent domain.

PURPOSE

As proposed, C.S.S.B. 821 authorizes a county to operate a water or sewer utility system and grants the power of eminent domain.

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 Chapter 412B, Local Government Code, by adding Section 412.016, as follows:

Sec. 412.016. COUNTY WATER AND SEWER SYSTEM. Authorizes a county to acquire, own, or operate a water or sewer utility system to serve an unincorporated area of the county in the same manner and under the same regulations as a municipality under Chapter 402. Requires the county to comply with all provisions of Chapter 13, Water Code, that apply to a municipality. Authorizes a county to issue bonds payable solely from the revenue generated by the water or sewer utility system, to finance the water or sewer utility system. Provides that a bond issued under this section is not a debt of the county but is only a charge on the revenues pledged and is not considered in determining the ability of the county to issue bonds for any other purpose authorized by law. Prohibits this subsection from authorizing the issuance of general obligation bonds payable from ad valorem taxes to finance a water or sewer utility system. Authorizes a county to acquire any interest in property necessary to operate a system authorized by this section through any means available to the county, including eminent domain. Prohibits a county from using eminent domain under this subsection to acquire property in a municipality.

SECTION 2. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 412.016, Local Government Code, to require the county to comply with all provisions of Chapter 13, Water Code, that apply to a municipality. Deletes a provision providing that a county operating a system authorized by this section is subject to Chapter 13, Water Code.