

BILL ANALYSIS

Senate Research Center

S.B. 855
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Agriculture, Water & Rural Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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, although CRWA already has the power of eminent domain, the bill amends that provision and makes 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.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION 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 Canyon Regional Water Authority (authority) includes all the territory located in the service area of the member entities, rather than in the service area of the 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. Amends Section 4.03(a), Chapter 670, Acts of the 71st Legislature, Regular Session, 1989, to authorize 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 the authority to exercise eminent domain) and (c) (relating to condemnation proceedings), Chapter 670, Acts of the 71st Legislature, Regular Session, 1989.

SECTION 6. (a) Provides that the legal notice of the intention to introduce this Act, setting forth the general substance of 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 under Section 59 (Conservation and Development of Natural Resources and Recreational Facilities; Conservation and Reclamation Districts), Article XVI, Texas Constitution, and Chapter 313 (Notice for Local and Special Laws), Government Code.

(b) Provides that the governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality (TCEQ).

(c) Provides that TCEQ has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) 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. Effective date: upon passage or September 1, 2015.