

BILL ANALYSIS

H.B. 3576
By: Mowery
Natural Resources
Committee Report (Amended)

BACKGROUND AND PURPOSE

In 1955, the 54th Texas Legislature passed legislation that created the Benbrook Water and Sewer Authority ("Authority") as a conservation and reclamation district. In the 55 years since its creation, there have been numerous changes in the general laws of the state related to the powers, duties, administration, governance, and functions of the Authority.

The purpose of H.B. 3576 is to update the Authority's enabling legislation, as amended, to conform to changes in general law; to clarify the powers, duties, administration, governance, and functions of the Authority in light of such general law changes; to change the name of the Authority; and to validate certain acts of the Authority due to the various changes in general law over the past 55 years.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. *Amends Section 1, Chapter 123, Acts of the 54th Legislature, Regular Session, 1955 (Article 8280-163, Vernon's Texas Civil Statutes), as follows:*

Renames the Benbrook Water and Sewer Authority (now to be known as the Benbrook Water Authority).

SECTION 2. *Amends Sections 3(b), (c), and (f), Chapter 123, Acts of the 54th Legislature, Regular Session, 1955 (Article 8280-163, Vernon's Texas Civil Statutes), as follows:*

Corrects a typographical error in Section 3(b) of the Authority's enabling legislation.

Conforms the provisions of Section 3(c) of the Authority's enabling legislation with respect to elections for directors to be consistent with changes in the Election Code over the last fifteen years.

Changes the Authority's enabling legislation with respect to fees of office and reimbursement of expenses to be consistent with general law under Section 49.060, Water Code, and allows the Authority's Board of Directors to establish by resolution a lower fee of office than authorized by general law.

SECTION 3. *Amends Section 5, Chapter 123, Acts of the 54th Legislature, Regular Session, 1955 (Article 8280-163, Vernon's Texas Civil Statutes), as follows:*

Amends the Authority's enabling legislation to provide that the Authority shall use general law standards in its regulation of groundwater within its jurisdiction and sets forth objective standards for its use in considering

permit applications. Authorizes the Authority to adopt rules to implement the section.

SECTION 4. *Amends Section 6, Chapter 123, Acts of the 54th Legislature, Regular Session, 1955 (Article 8280-163, Vernon's Texas Civil Statutes), as follows:*

Amends the Authority's enabling legislation to update the general law reference to its eminent domain authority.

SECTION 5. *Amends Section 8(b), Chapter 123, Acts of the 54th Legislature, Regular Session, 1955 (Article 8280-163, Vernon's Texas Civil Statutes), as follows:*

Amends the Authority's enabling legislation to delete a provision limiting bond interest costs and providing for its calculation, thus bringing the Authority under general law with respect to such costs and calculations.

SECTION 6. *Amends Section 13, Chapter 123, Acts of the 54th Legislature, Regular Session, 1955 (Article 8280-163, Vernon's Texas Civil Statutes), as follows:*

Amends the Authority's enabling legislation to provide that the Authority may enter into interlocal agreements under Chapter 791, Government Code.

SECTION 7. *Amends Section 17, Chapter 123, Acts of the 54th Legislature, Regular Session, 1955 (Article 8280-163, Vernon's Texas Civil Statutes), as follows:*

Amends the Authority's enabling legislation to update references to the general laws governing the Authority.

SECTION 8. *Repeals Sections 3(d) and 7, Chapter 123, Acts of the 54th Legislature, Regular Session, 1955 (Article 8280-163, Vernon's Texas Civil Statutes), as follows:*

Section 3(d) is a petition provision for candidates for director, which is no longer consistent with general law.

Section 7 is a provision regarding contract bidding requirements, which is no longer consistent with general law.

SECTION 9. Validation Clause.

SECTION 10. States that publication requirements have been met.

SECTION 11. Effective Date.

EFFECTIVE DATE

Effective date is September 1, 2005 or immediately if approved by two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

EXPLANATION OF AMENDMENTS

Amends SECTION 3 of the bill as filed (page 4, lines 11 to 17) (Section 5 of the Benbrook Water and Sewer Authority's ("BWSA") enabling legislation) by deleting language authorizing the BWSA to regulate groundwater wells in the manner provided by Section 36.116(a), Water Code, and by substituting in its place language authorizing the BWSA to regulate groundwater

wells in the manner in which the City of Benbrook, Texas, could regulate such wells under its home-rule authority or as otherwise provided by its enabling legislation.