

## **BILL ANALYSIS**

C.S.H.B. 1565  
By: Puente  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Bexar Metropolitan Water District ("Bexar Met") was created by the legislature in 1945 to serve expected growth in Bexar County. Bexar Met's initial service area in 1945 contained 4,765 primarily residential accounts; today, it exceeds 80,000 residential and commercial accounts.

In recent years, many argue that Bexar Met has experienced various design, management and operational problems. These problems include boil orders, watering restrictions, low pressure, and constituent complaints of unresponsive management and conflict within and among board and staff. There have also been complaints that many Bexar Met water customers pay high water bills, under an inconsistent rate structure, for water service that is unreliable and, at times, unsafe.

In order to ensure that Bexar Met customers have reliable, secure and cost-efficient water service, C.S.H.B. 1565 provides that, rather than the current board structure, Bexar Met will be governed by the Commissioners Court of Bexar County.

### **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. Section 3, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by deleting the following general powers of the District:

- to store, control, and conserve storm and flood waters of its rivers and streams and to prevent the escape of any such waters without first obtaining therefrom a maximum of public service; to prevent devastation of property from overflow and to protect life and property from uncontrolled flood and storm waters;
- to provide for the development of drainage systems to control, regulate, and dispose of all storm and flood waters of the District so as to protect effectively lives and property, and to utilize such waters for each and every purpose for which flood and storm waters when controlled, conserved, or regulated may be utilized as contemplated by the Constitution and the public policy therein declared;

Subsections are re-lettered accordingly.

SECTION 2. Section 5A, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is amended by adding Subsection (c) to read as follows:

- (c) The District's boundaries for the purpose of conducting an election are coextensive with the boundaries of Bexar County.

SECTION 3. Amends Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, by adding Section 7A and amending Section 9, as follows:

- Sec. 7A. Provides that the District is governed by the Commissioners Court of Bexar County serving ex officio as the board of directors of the district.

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Sec. 9. Provides that notwithstanding Section 49.060, Water Code, a member of the Board of Directors is not entitled to receive fees of office. Deletes language providing that directors shall receive a per diem of not more than Ten Dollars (\$10) per day, for the time actually expended on business of the District, together with traveling and other necessary expenses, provided that such per diem fee shall not be paid to a Director for more than one hundred (100) days in any one year.

SECTION 4. Provides that Section 8, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945, is repealed (elections and appointment procedures of the board).

SECTION 5. Includes provisions relating to notice required by the Texas Constitution, laws of this state and rules and procedures of the legislature; confirming all such acts fulfilled.

SECTION 6. This Act takes effect September 1, 2007.

#### **EFFECTIVE DATE**

September 1, 2007.

#### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 1565 clarifies that the District is governed by the Commissioners Court of Bexar County serving ex officio as the board of directors of the district.

C.S.H.B. 1565 provides that the District's boundaries for the purpose of conducting an election are coextensive with the boundaries of Bexar County.

C.S.H.B. 1565 deletes the following general powers of the District:

- to store, control, and conserve storm and flood waters of its rivers and streams and to prevent the escape of any such waters without first obtaining therefrom a maximum of public service; to prevent devastation of property from overflow and to protect life and property from uncontrolled flood and storm waters;
- to provide for the development of drainage systems to control, regulate, and dispose of all storm and flood waters of the District so as to protect effectively lives and property, and to utilize such waters for each and every purpose for which flood and storm waters when controlled, conserved, or regulated may be utilized as contemplated by the Constitution and the public policy therein declared.

Subsections are re-lettered accordingly.