

BILL ANALYSIS

C.S.H.B. 3475
By: Gallego
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Amistad National Recreation Area is the United States portion of the International Amistad Reservoir, formed on the Rio Grande along the US/Mexico border. The reservoir is nationally known for excellent water-based recreation, especially boating and fishing, and is surrounded by a landscape rich in prehistoric rock art, a vibrant border culture, as well as a variety of plant and animal life.

Val Verde County is currently experiencing a large amount of growth in and around the Amistad Lake. This growth is in subdivisions of 1 to 10+ acre lots. Over 2500 lots are expected to be developed and all will be supplied with water wells and septic tanks in compliance with all current laws.

These septic tanks are run by several small Certificates of Convenience and Necessity (CCNs) in the area but all have the same problem - the cost to operate with only a small customer base make it hard for them to be successful and many of these septic tanks are failing. Several wells in some of the older subdivisions have been tested by the Texas Commission on Environmental Quality and have been found to be contaminated. It is feared that Amistad Lake will soon be contaminated as well, endangering its plant and animal life and recreational resources.

C.S.H.B. 3475 would allow Val Verde County to solve this issue by granting it the authority to acquire, construct, or operate a water supply system or sewage system and own or operate a utility to better serve and protect Amistad Lake from the continued development in the area. This bill grants the county this authority until the area is annexed by the City of Del Rio and the city begins to provide the area with these services.

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. Subchapter B, Chapter 412, Local Government Code, is amended by adding Section 412.017 which applies only to a county located adjacent to an international border and has a military installation. The commissioners court of such a county may acquire, construct, or operate a water supply or sewage system to serve unincorporated areas of that county and areas initially included in a municipality on or after September 1, 2007, in which the municipality does not provide water or sewer services. The county may enter into a management or lease agreement with a public or private entity for the operation of the water or sewage system. The county may seek and receive financial assistance from the state or federal government to implement this section. The county may also own, operate, or maintain a water or sewer utility in the same manner as the municipality under Chapter 402. A county may not construct, operate, or maintain a water supply system or sewage system in an area previously served by the county's water supply or sewage system after the area is annexed by a municipality and the municipality begins providing to the area water or sewer services previously provided by the county.

SECTION 2. The Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute language adds that the unincorporated areas of the county served with water and sewer services by the county through authority granted by this subchapter, are initially included in a municipality on or after September 1, 2007, in which the municipality does not provide water or sewer services.

The substitute also adds that the authority of the county to provide these areas with water or sewer services expires once the municipality annexes those areas and begins to providing to the areas water or sewer services previously provided by the county.