

BILL ANALYSIS

C.S.H.B. 3559
By: Swinford
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Canadian River Municipal Water Authority (CRMWA) was created by the Texas Legislature in 1953. Most of its enabling legislation relates back to that time and is in need of an update.

C.S.H.B. 3559 would: (1) would allow the board of directors or board committees to hold meetings by telephone conference calls, video conference calls or through communications over the Internet as authorized by Subchapter F of Chapter 551, Government Code; (2) would also allow each director to receive a fee as provided by general law for each day devoted to district business instead of its current \$50.00 limit; (3) provides that CRMWA can dispose of surplus property either in accordance with general laws applicable to a municipality or to a district created under Section 59, Article XVI, of the Texas Constitution, provided, however, that in all cases in which the board of directors considers the value of surplus real property to be in excess of One Thousand Dollars, the property shall be sold only upon advertisement and competitive bids; (4) provides that the district, if it prevails in a lawsuit against a person or governmental entity entitled to recover attorney's fees, costs for expert witnesses, or any other related costs, the district is entitled to recover those fees and costs according to the same terms that would have governed recovery for the other person or governmental entity if the district had not prevailed; and (5) allows the district to negotiate, enter and modify contracts in accordance with general law applicable to a municipality or to a district created under Section 59, Article XVI, Texas Constitution.

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 5(b), Chapter 243, Acts of the 53rd Legislature and provides that the Board of Directors or Board committees may hold meetings by telephone conference calls, videoconference call, or through communications over the Internet, in accordance with procedures provided by Subchapter F, Chapter 551, Government Code, if determined to be necessary or convenient by the President or any three members. Provides that board members shall receive a fee as provided by general law for each day devoted to District business, instead of the current \$50.00 limit.

SECTION 2. Amends Section 13, Chapter 243, Acts of the 53rd Legislature by amending the district's powers to allow the district to sell or otherwise dispose of surplus property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the operation of the District, in accordance with general law applicable to a municipality or to a district created under Section 59, Article XVI, Texas Constitution, provided, however, that in all cases in which the Board of Directors considers the value of surplus real, rather than such, property to be in excess of One Thousand Dollars, the property shall be sold only upon advertisement and competitive bids. Provides that if the District prevails in a lawsuit against a person or governmental entity entitled to recover attorney's fees, costs for expert witnesses, or any other related costs, the District is entitled to recover those fees and costs according to the same terms that would have governed recovery for the other person or governmental entity if the District had not prevailed.

SECTION 3. Amends Section 14, Chapter 243, Acts of the 53rd Legislature, to authorize the district to negotiate, enter, and modify a contract in accordance with general law applicable to a municipality or to a district created under Section 59, Article XVI, Texas Constitution. Deletes language stating that any contract requiring an expenditure of more than Twenty-five Thousand (\$25,000.00) Dollars shall not be made until after publication of a notice to bidders once each week for two weeks before awarding the contract. Language is also deleted stating that such notice shall be sufficient if it states the time and place when and where the bids will be opened, the general nature of the work to be done, or the material, equipment or supplies to be purchased, and states when and upon what terms of the plans and specifications may be obtained and that the publications shall be in a newspaper published in the district designated by the Board of Directors.

SECTION 4. Provides that Section 13, Chapter 243, Acts of the 53rd Legislature applies only to a suit filed on or after the effective date of this Act. A suit filed before that date is governed by the law in effect on the date the suit is filed.

SECTION 5. Provides that Section 14, Chapter 243, Acts of the 53rd Legislature applies only to a contract entered into on or after the effective date of this Act. A contract entered into before that date is governed by the law in effect on the date of the contract.

SECTION 6. Effective date is September 1, 2007

EFFECTIVE DATE

Effective date is September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3559 removes language contained in the introduced version that provides that a closed meeting of the Board authorized under Chapter 551, Government Code, may include officers and employees of constituent cities of the District and other persons the Board determines to be necessary or helpful.

C.S.H.B. 3559, unlike the introduced version, does not strike language providing that in all cases in which the Board of Directors considers the value of surplus property to be in excess of One Thousand (\$1,000.00) Dollars, same shall be sold only upon advertisement and competitive bid. Rather, C.S.H.B. 3559 provides that in all cases in which the Board of Directors considers the value of surplus real property to be in excess of One Thousand Dollars, the property shall be sold only upon advertisement and competitive bids.