

## **BILL ANALYSIS**

C.S.S.B. 688  
By: Shapleigh  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, there is a provision within the Local Government Code that was adopted in the 1980s to enable El Paso to establish a drainage utility by city ordinance, but the service area is limited to areas within the corporate boundaries of El Paso. Over the years, numerous cities have received special authority through legislation to expand their storm water drainage utility into their extraterritorial jurisdiction.

El Paso's recent rainstorms and flooding resulted in significant hardships, costs, and damage to many areas within the city and county of El Paso. The flooding, caused by storm water drainage, created numerous health and safety issues for the residents of El Paso. The city's street department did not foresee such devastation and had not anticipated the need for extensive planning or the necessary resources to deal with storm water drainage issues. Since storm drainage issues are not limited to areas within El Paso's city limits, El Paso Water Utility ("EPWU") is also considering the need to address areas within El Paso's extraterritorial jurisdiction. In order for certain cities, such as El Paso, to effectively control and manage storm water drainage, they must have the authority to manage and control storm water drainage in those areas just beyond the city limits. Failure to manage storm water in certain cities extraterritorial jurisdictions could lead to a continued flooding threat.

C.S.S.B. 688 expands the applicability of the exemption from the prohibition of extending a service area outside of its municipal boundaries for certain municipal drainage utility systems to municipalities with a population over 500,000 located within 50 miles of international border.

### **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 402.044(8), Local Government Code, by redefining "service area" to exempt a municipality of more than 500,000 population located within 50 miles of an international border, from the prohibition of extending a service area outside of its municipal boundaries for certain municipal drainage utility systems.

SECTION 2. Effective date: Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

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

The original version redefined the term "Service Area" to exempt a municipality with a population of more than 500,000 located in one or more counties with a population of less than 700,000, according to the 2000 federal census, from the prohibition on extending a service area beyond a city's municipal boundaries.

C.S.S.B. 688 redefines a "service area" to exempt a municipality of more than 500,000 population located within 50 miles of an international border, from the prohibition of extending a service area outside of its municipal boundaries for certain municipal drainage utility systems. C.S.S.B. 688 no longer refers to the 2000 federal census.