

BILL ANALYSIS

Senate Research Center
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S.B. 688
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. Of the six cities with a population over 400,000, only Dallas and El Paso currently lack the authority to provide storm water drainage protection in their extraterritorial jurisdictions.

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. Given El Paso Water Utility's (EPWU) experience with water-related issues and resources held, EPWU was approached by local city leaders to consider taking over all storm-drainage-related matters and undertake the planning, operation, and maintenance of storm-water-related projects. Discussions between the El Paso City Council and the EPWU Public Service Board (board) to create a storm water drainage utility under management of the board are underway. Since storm drainage issues are not limited to areas within El Paso's city limits, EPWU is also considering the need to address areas within El Paso's extraterritorial jurisdiction. In order for El Paso and the EPWU 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 El Paso's extraterritorial jurisdiction could lead to a continued flooding threat.

As proposed, 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 cities with a population over 400,000, rather than 600,000. This would currently only add Dallas and El Paso to those cities receiving such an exemption since other cities falling under this population bracket have previously been granted such authority.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 402.044(8), Local Government Code, by redefining "service area" to delete existing text requiring that a municipality be located in one or more counties of less than 600,000 population according to the most recent federal census in order for a municipality of a population more than 400,000 to be exempted 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 September 1, 2007.