

BILL ANALYSIS

C.S.H.B. 2105
By: Lucio III
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Resacas are remnant Rio Grande River channels unique to the area of Cameron County. These resacas reportedly aid in flood control, water storage, and agriculture water delivery and also add an aesthetic character to the City of Brownsville. Interested parties observe that current law grants municipalities the authority to manage property with respect to utility systems, parks, and swimming pools, but that authority does not explicitly apply to resacas. The parties additionally note that although management and control of a utility system may be vested in a board of trustees as an alternative to the municipality's governing body, current law authorizes only municipalities to charge for services provided by a utility system. C.S.H.B. 2105 seeks to address these issues by giving the board of trustees of certain utility systems the authority to collect certain charges for utility services and by including resacas within a municipality's authority to manage property for utility systems, parks, and swimming pools.

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

C.S.H.B. 2105 amends the Government Code to include channels or bodies of water known as resacas among the property that a municipality is authorized to acquire, purchase, construct, improve, enlarge, equip, operate, or maintain with respect to a utility system, a park, or a swimming pool. The bill authorizes the board of trustees having management and control of a utility system located in a county contiguous to the Gulf of Mexico and bordering the United Mexican States to impose and collect charges for services provided by the utility system in amounts sufficient to pay all operating, maintenance, depreciation, replacement, improvement, and interest charges in connection with the utility system; to pay for an interest and sinking fund sufficient to pay certain public securities or other obligations; and to pay any outstanding debt against the system.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2105 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 1502.001, Government Code, is amended by adding Subdivision (4) to read as follows:

(4) "Water system" means any one or a combination of the following:

(A) an untreated or partially treated water diversion, impoundment, and delivery system, including a stream, channel, resaca, or canal;

(B) a treated water production, storage, and distribution system; or

(C) a reclaimed water transmission, storage, and distribution system.

No equivalent provision.

SECTION 2. Section 1502.057, Government Code, is amended to read as follows:

Sec. 1502.057. CHARGES FOR SERVICES. (a) The governing body of the [A] municipality or the board of trustees having management and control of a utility system shall impose and collect charges for services provided by a utility system in amounts at least sufficient to pay:

(1) all operating, maintenance, depreciation, replacement, improvement, and interest charges in connection with the utility system;

(2) for an interest and sinking fund sufficient to pay any public securities issued or obligations incurred for any purpose described by Section 1502.002 relating to the utility system; and

(3) any outstanding debt against the system.

(b) The rates charged for services provided by a utility system must be equal and uniform. A municipality or board of trustees

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. Section 1502.002(a), Government Code, is amended to read as follows:

(a) A municipality may acquire, purchase, construct, improve, enlarge, equip, operate, or maintain any property, including channels or bodies of water known as resacas, interests in property, buildings, structures, activities, services, operations, or other facilities, with respect to:

(1) a utility system;

(2) a park; or

(3) a swimming pool.

SECTION 2. Section 1502.057, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The board of trustees having management and control of a utility system located in a county contiguous to the Gulf of Mexico and bordering the United Mexican States may impose and collect the charges authorized under this section for services provided by the utility system.

may not allow any free service except for:
(1) municipal public schools; or
(2) buildings and institutions operated by
the municipality.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 3. Same as introduced version.