

BILL ANALYSIS

Senate Research Center
83R6784 SGA-D

H.B. 3933
By: González, Mary (Rodriguez)
Natural Resources
5/9/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The El Paso County Lower Valley Water District Authority is a large municipal utility district which reportedly serves approximately one-quarter of the southeastern portion of El Paso County. The Cuadrilla Improvement Corporation was a small nonprofit corporation of the State of Texas which was involuntarily dissolved by the Texas Secretary of State and the El Paso Water Control and Improvement District No. 4 assumed the responsibilities as temporary manager of the corporation over a decade ago. It has been reported that the district no longer wishes to provide that service to the former corporation's customers and that the authority wants to provide that service in addition to assuming any other duties of the former corporation, provided that the authority is granted any remaining assets of the former corporation.

H.B. 3933 amends current law relating to the transfer of territory, assets, liabilities, and duties of the former Cuadrilla Improvement Corporation to the Lower Valley Water District.

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. Defines "commission," "corporation," and "authority" in this section.

SECTION 2. FINDINGS. (a) Provides that on July 8, 1992, the County of El Paso, Texas, by and through the county judge of El Paso County, quitclaimed the county's right, title, and interest in and to the property and any improvements to the property described by Section 3 of this Act, to the Cuadrilla Improvement Corporation (corporation) by executing a quitclaim deed, record number 009280, as recorded in the county records of El Paso County.

(b) Provides that the El Paso Water Control and Improvement District No. 4 (district) assumed the responsibilities as temporary manager of the corporation, including the provision of water and wastewater services to customers of the corporation by emergency order issued by Texas Commission on Environmental Quality (TCEQ) on September 30, 1999, and confirmed by TCEQ on October 27, 1999.

(c) Provides that the corporation was involuntarily dissolved by order of the secretary of state on July 18, 2007.

(d) Provides that the district no longer wishes to continue providing service to the former corporation's customers, and the Lower Valley Water District (authority) is willing to provide and capable of providing that service and of assuming any other duties of the former corporation, provided that the authority is granted any remaining assets of the former corporation, including the real property and any improvements to the property described by Section 3 of this Act.

(e) Provides that the transfer of any remaining assets of the former corporation, including the real property and any improvements to the property described by Section 3 of this Act, serves a public purpose and benefits the land included in the transfer.

SECTION 3. AMENDMENT. Amends Section 2, Chapter 780, Acts of the 69th Legislature, Regular Session, 1985, by adding Subsection (c), to set forth the amended boundaries of the authority.

SECTION 4. TRANSFER OF ASSETS AND RESPONSIBILITIES. Requires the authority, on the effective date of this Act, to assume:

- (1) from the district, the responsibility of providing water and wastewater services to the customers in the service area of the former corporation; and
- (2) the powers, duties, liabilities, and remaining assets of the former corporation, including the property described by Section 3 of this Act.

SECTION 5. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Provides that all requirements of the constitution and the laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 6. EFFECTIVE DATE. Effective date: upon passage or September 1, 2013.