

BILL ANALYSIS

Senate Research Center

S.B. 1305
By: Nichols
Local Government
5/26/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1305 allows for the transfer of the Central Heights Water System from the City of Nacogdoches (city) to the Angelina and Neches River Authority. Since the year 2000, when the city took over the failing Central Heights Water System, the city has been unable to invest sufficient funds to make the needed repairs for it to function properly. This bill will allow the Angelina and Neches River Authority to provide financial relief to the city and help the Central Heights Water System's customers.

S.B. 1305 amends current law relating to the transfer of the ownership rights of the City of Nacogdoches in the Central Heights Water System to the Angelina and Neches River 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. DEFINITIONS. Defines "authority" and "city."

SECTION 2. TRANSFER OF WATER SYSTEM. (a) Requires the City of Nacogdoches (city), notwithstanding Section 1502.055 (Election), Government Code, not later than 180 days from the effective date of this Act, to enter into a contract with the Angelina and Neches River Authority (authority) to transfer the city's ownership interests in the Central Heights Water System that is north of the intersection of U.S. Highway 59 and U.S. Highway 259 to the authority, including the assets and service area portion of the city's water system.

(b) Provides that, on the date of execution of the contract under Subsection (a):

(1) the geographic territory of the Central Heights Water System is required to be incorporated into the authority's certificate of convenience and necessity; and

(2) all real property, easements, appurtenances, conveyance systems, transmission and treatment systems, designated rights-of-way, and other property interests of the city related to the Central Heights Water System are transferred to the authority unless specifically reserved to the city in the contract agreed to under Subsection (a).

(c) Requires the governing body of the city, following the transfer under Subsection (b), to notify the Texas Commission on Environmental Quality (TCEQ) of the transfer of the Central Heights Water System to the authority.

(d) Requires TCEQ, on receipt of notice under Subsection (c), to note the transfer of the Central Heights Water System to the authority in its records. Provides that a person, party, or entity does not have any right of protest, objection, or administrative review of the transfer described by this Act.

SECTION 3. EFFECTIVE DATE. Effective date: upon passage or September 1, 2023.