

BILL ANALYSIS

C.S.H.B. 4729
By: Bolton
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.H.B. 4729 adds territory to the Barton Springs-Edwards Aquifer Conservation District and makes changes relating to the composition of the board of directors and single-member voting districts to elect directors. The bill establishes that the Edwards Aquifer Authority maintains sole authority to regulate and manage the San Antonio segment of the Edwards Aquifer.

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. 4729 amends the Special District Local Laws Code to annex certain territory in Hays County to the Barton Springs-Edwards Aquifer Conservation District. The bill also requires the board of directors of the district to hold an election to ratify the annexation of certain land in Travis County before August 31, 2011, and authorizes the board to hold another election for the same purpose if a majority of the voters voting at the election do not favor ratifying the proposed annexation. The bill requires such an election, except as provided, to be conducted as prescribed in provisions relating to the annexation of land by a groundwater conservation district. The bill specifies that provisions relating to a ratification election expire on September 1, 2011. The bill removes provisions relating to the placement of certain single-member districts for electing directors and instead requires the board to place two such districts within a specified territory provided by the bill. The bill specifies that provisions relating to general elections for directors of groundwater conservation districts do not apply to the district. The bill makes the above provisions effective September 1, 2009.

C.S.H.B. 4729 repeals provisions setting forth the number of members and terms of the board of directors of the district and requiring at least two directors to be elected by voters residing in the City of Austin. The bill establishes the number of members and terms of the board of directors, and requires three directors to be elected by voters residing in a territory of Travis County specified by the bill for such voting purposes and four directors to be elected by district voters residing outside of that territory. The bill repeals provisions specifying that the district is divided into five numbered, single-member districts for electing directors and sets forth divisions dividing the district into seven such districts. The bill requires the board to appoint two temporary directors to the board to represent the territory of Travis County annexed by a ratification election not later than three months after the date of the election. The bill requires temporary directors to serve at large until the next general election of directors of the district.

C.S.H.B. 4729 authorizes the board each year to assess against the City of Austin a water use fee in an amount not to exceed the lesser of \$900,000 or 60 percent of the total funding the district expects to receive for the next fiscal year from water use fees assessed against Austin and other nonexempt users in that year. The bill makes these provisions effective only if the annexation of certain territory is ratified at an election.

C.S.H.B. 4729 establishes that the Edwards Aquifer Authority maintains sole authority to regulate and manage the San Antonio segment of the Edwards Aquifer.

C.S.H.B. 4729 sets forth the metes and bounds of the territory to be annexed.

C.S.H.B. 4729 repeals the following sections of the Special District Local Laws Code on the effective date of the bill:

- Section 8802.051(b)
- Section 8802.053(d)

C.S.H.B. 4729 repeals the following sections of the Special District Local Laws Code on ratification at election of the annexation of the specified territory of Travis County:

- Section 8802.051
- Section 8802.053

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009, except as provided.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4729 adds a provision not in the original establishing that the Edwards Aquifer Authority maintains sole authority to regulate and manage the San Antonio segment of the Edwards Aquifer.