

BILL ANALYSIS

C.S.S.B. 911
By: Hinojosa
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that the Texas Commission on Environmental Quality (TCEQ) lacks adequate authority to properly investigate certain water districts that have mismanaged their financial resources and procurement process. This is a problem as deficiencies in the management of finances and operations may hinder a district's ability to provide water services to customers as well as the district's ability to cover current liabilities and to address future financial needs. C.S.S.B. 911 seeks to address these concerns by setting out provisions relating to the supervision of water districts by TCEQ.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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.S.B. 911 amends the Water Code to replace the specification that the supervision by the Texas Commission on Environmental Quality (TCEQ) of the powers and duties of all districts and authorities created under certain constitutional provisions includes the authority to inquire into the competence, fitness, and reputation of the officers and directors of any district or authority with a specification that such supervision includes the authority to inquire into the qualifications of such officers and directors.

C.S.S.B. 911 sets a deadline by which a copy of an order relating to the results of a confirmation election for certain water districts is required to be filed with TCEQ, and by which the order canvassing the results of the election is required to be filed with the TCEQ executive director and in the deed records of the county or counties in which the district is located, of not later than the 30th day after the date of the election.

C.S.S.B. 911 authorizes the executive director of TCEQ, after reviewing a district's audit report, to request additional information from the district and requires the district to provide the additional information not later than the 60th day after the date the request was received, unless the executive director extends the time allowed for the district to provide additional information for good cause. The bill authorizes the executive director to review and investigate a district's financial records and to conduct an on-site audit of a district's financial information.

C.S.S.B. 911 requires the Texas Water Development Board (TWDB), in coordination with TCEQ and for purposes of providing the best available science in the event a conservation and

reclamation district is created under certain constitutional authority in a county bordering the Rio Grande, overlying the Edwards-Trinity Aquifer, and with a population greater than 40,000, to adopt standards for water management by a conservation and reclamation district in the area. The bill requires the adopted standards to address groundwater management and river and spring flow, including flow requirements for the Devil's River, the Pecos River, and San Felipe Springs.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 911 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a provision requiring the TWDB, in coordination with TCEQ and for purposes of providing the best available science in the event a conservation and reclamation district is created under certain constitutional authority in a county bordering the Rio Grande, overlying the Edwards-Trinity Aquifer, and with a population greater than 40,000, to adopt standards for water management by a conservation and reclamation district in the area. The substitute includes a provision requiring the adopted standards to address groundwater management and river and spring flow, including flow requirements for the Devil's River, the Pecos River, and San Felipe Springs.