86R34256 SLB-F

By:  Hinojosa S.B. No. 911

(Nevárez)

Substitute the following for S.B. No. 911:

By:  Metcalf C.S.S.B. No. 911

A BILL TO BE ENTITLED

AN ACT

relating to the supervision of water districts by the Texas Commission on Environmental Quality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 12.081(a), Water Code, is amended to read as follows:

(a)  The powers and duties of all districts and authorities created under Article III, Section 52 and Article XVI, Section 59 of the Texas Constitution are subject to the continuing right of supervision of the State of Texas by and through the commission or its successor, and this supervision may include but is not limited to the authority to:

(1)  inquire into the qualifications [~~competence, fitness, and reputation~~] of the officers and directors of any district or authority;

(2)  require, on its own motion or on complaint by any person, audits or other financial information, inspections, evaluations, and engineering reports;

(3)  issue subpoenas for witnesses to carry out its authority under this subsection;

(4)  institute investigations and hearings using examiners appointed by the commission;

(5)  issue rules necessary to supervise the districts and authorities, except that such rules shall not apply to water quality ordinances adopted by any river authority which meet or exceed minimum requirements established by the commission; and

(6)  the right of supervision granted herein shall not apply to matters relating to electric utility operations.

SECTION 2.  Sections 49.102(e) and (f), Water Code, are amended to read as follows:

(e)  If a majority of the votes cast in the election favor the creation of the district, then the temporary board shall declare that the district is created and enter the result in its minutes. If a majority of the votes cast in the election are against the creation of the district, the temporary board shall declare that the district was defeated and enter the result in its minutes. A copy of the order shall be filed with the commission not later than the 30th day after the date of the election.

(f)  The order canvassing the results of the confirmation election shall contain a description of the district's boundaries and shall be filed with the executive director and in the deed records of the county or counties in which the district is located not later than the 30th day after the date of the election.

SECTION 3.  Section 49.195(a), Water Code, is amended to read as follows:

(a)  The executive director may review the audit report of each district. After reviewing the audit report, the executive director may request additional information from the district. The district shall 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.

SECTION 4.  Section 49.196(a), Water Code, is amended to read as follows:

(a)  The executive director may review and investigate a district's financial records and may conduct an on-site audit of a district's financial information. The executive director shall have access to all vouchers, receipts, district fiscal and financial records, and other district records the executive director considers necessary.

SECTION 5.  Title 2, Water Code, is amended by adding Subtitle G to read as follows:

SUBTITLE G. MISCELLANEOUS PROVISIONS

CHAPTER 39. STANDARDS FOR SUPERVISION OF WATER DISTRICTS IN CERTAIN AREAS

Sec. 39.0101.  STANDARDS FOR SURFACE WATER AND GROUNDWATER MANAGEMENT IN CERTAIN AREAS. (a) This section applies to a county:

(1)  bordering the Rio Grande;

(2)  overlying the Edwards-Trinity Aquifer; and

(3)  with a population greater than 40,000.

(b)  To provide the best available science in the event a conservation and reclamation district is created under the authority of Section 59, Article XVI, Texas Constitution, in the area described by Subsection (a), the Texas Water Development Board, in coordination with the Texas Commission on Environmental Quality, shall adopt standards for water management by a conservation and reclamation district in the area described by Subsection (a).

(c)  Standards adopted under this section must address:

(1)  groundwater management; and

(2)  river and spring flow, including flow requirements for:

(A)  the Devil's River;

(B)  the Pecos River; and

(C)  San Felipe Springs.

SECTION 6.  This Act takes effect September 1, 2019.