

By: Hinojosa
(Nevárez)

S.B. No. 911

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

1 quality ordinances adopted by any river authority which meet or
2 exceed minimum requirements established by the commission; and

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

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

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

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

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

22 (a) The executive director may review the audit report of
23 each district. After reviewing the audit report, the executive
24 director may request additional information from the district. The
25 district shall provide the additional information not later than
26 the 60th day after the date the request was received, unless the
27 executive director extends the time allowed for the district to

1 provide additional information for good cause.

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

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

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

12 SUBTITLE G. MISCELLANEOUS PROVISIONS

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

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

- 17 (1) bordering the Rio Grande;
18 (2) overlying the Edwards-Trinity Aquifer; and
19 (3) with a population greater than 40,000.

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

- 1 (c) Standards adopted under this section must address:
2 (1) groundwater management; and
3 (2) river and spring flow, including flow requirements
4 for:
5 (A) the Devil's River;
6 (B) the Pecos River; and
7 (C) San Felipe Springs.

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