

By: Hinojosa

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 that shall be conducted by the State Office of Administrative Hearings [~~using examiners appointed by the commission~~];

(5) issue rules necessary to supervise the districts

1 and authorities, except that such rules shall not apply to water
2 quality ordinances adopted by any river authority which meet or
3 exceed minimum requirements established by the commission; and

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

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

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

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

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

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

1 executive director extends the time allowed for the district to
2 provide additional information for good cause.

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

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

11 SECTION 5. This Act takes effect September 1, 2019.