

BILL ANALYSIS

Senate Research Center

C.S.S.B. 28
By: Barrientos
Natural Resources
4-18-97
Committee Report (Substituted)

DIGEST

The Barton Springs-Edwards Aquifer Conservation District (district) was organized and validated in 1987 under Chapter 52 of the Water Code to protect, conserve, and preserve the Barton Springs segment of the Edwards Aquifer. In addition to its enabling legislation, the district operates under Chapter 36 of the Water Code. The district has authority to permit wells, assess water use fees, and assess a fee against the City of Austin; and is governed by a five-member elected board of directors. Two director precincts are within a portion of the City of Austin. This legislation amends the powers and duties of the district by authorizing the district to permit exemptions; assess fees based on water use, living unit equivalents, or meters; construct, own, and operate wastewater treatment facilities; and borrow money. C.S.S.B. 28 would also require entities to assess and collect fees on behalf of the district, and would regulate the district's travel expenses.

PURPOSE

As proposed, C.S.S.B. 28 establishes provisions regarding the Barton Springs-Edwards Aquifer Conservation District.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the board of directors of the Barton Springs-Edwards Aquifer Conservation District in SECTION 1 (Sections 2(c)(1), (d)(1) and (d)(2), Chapter 429, Acts of the 70th Legislature, Regular Session) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Chapter 429, Acts of the 70th Legislature, Regular Session, to establish that the Barton Springs-Edwards Aquifer Conservation District (district) has certain powers for underground water conservation districts, and does not have the authority to levy certain taxes. Authorizes the district to levy a property tax under certain circumstances. Authorizes the board of directors of the district (board), by rule, to prioritize water use and assign different fees according to the priority of use. Provides that Section 36.205(c), Water Code does not apply to a fee assessed under this subsection. Requires the district to assess a fee unless the district assesses a fee against the City of Austin. Prohibits the district from assessing a pumpage fee of more than a certain amount for an authorized use, with certain exceptions, and establishes the use of proceeds from those fees. Authorizes the board, by rule, to establish a production capacity for exempt wells within the district that supersedes the capacity, as specified in Section 36.117, rather than 52.170, Water Code. Provides that if the board does not establish another capacity, the capacity is hereby reduced to a certain number of gallons per day. Authorizes the board, by rule, to establish a limitation on the number of households that may be supplied by an exempt domestic well, and provides that if the board does not establish a different limitation, the number is reduced to five or less. Sets forth the terms by which the district is prohibited from denying a property owner the right to drill a well or produce groundwater from the property. Establishes the findings of the legislature regarding benefits received by the City of Austin by way of Barton Springs. Sets forth the terms by which the board is authorized to assess a fee against certain individuals and entities according to a living unit equivalent, and to differentiate between meters. Sets forth the procedure regarding collection and payment of fees to the district. Sets forth other provisions regarding the assessment of fees, including the terms under which the qualified voters of the district may petition the board to hold an election to reduce the fee. Sets forth the terms under which Section 36.205(d) does not apply. Provides that the

district is subject to Chapter 551, Government Code. Requires the board to hold each public meeting at certain times and on certain days. Authorizes the district to own, construct, and operate certain wastewater treatment plants and other facilities that may prevent or reduce pollution or enhance water conservation. Makes conforming changes.

SECTION 2. Amends Section 9, Chapter 429, Acts of the 70th Legislature, Regular Session, as follows:

Sec. 9. New heading: DISTRICT FINANCES. Sets forth the terms by which the district is authorized to borrow money to acquire an interest in real property or for a capital project. Provides that this subsection does not apply to the district's authority regarding bonds. Sets forth the terms by which the district is authorized to pay or reimburse a travel expense. Prohibits the district from applying this section in a manner that conflicts with any applicable federal law or rule. Requires the district to minimize the amount of reimbursed travel expenses, and to ensure that each travel arrangement is the most cost-effective. Deletes existing text regarding borrowing money.

SECTION 3. Severability clause.

SECTION 4. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 2, Chapter 429, Acts of the 70th Legislature, Regular Session, to authorize the board, by rule, to prioritize water use and assign different fees accordingly. Sets forth other provisions regarding assessment of a fee under Section 36.205(d), Water Code, and relating to assessment of a pumpage fee. Authorizes the board, by rule, to establish a production capacity for exempt wells within the district that supersedes a certain capacity, and to establish a limitation on the number of households that may be supplied by an exempt domestic well. Prohibits the district from denying a property owner the right to drill a well or produce groundwater under certain circumstances. Sets forth the findings of the legislature regarding the benefits received by the City of Austin from Barton Springs. Changes the terms by which the board is authorized to assess fees against certain individuals and entities, and by which those fees are paid and collected. Sets forth the terms by which the qualified voters of the district are authorized to petition the board to hold an election to reduce the fee. Provides that the district is subject to Chapter 551, Government Code, and requires the board to hold each public meeting at certain times.

SECTION 2.

Amends Section 9, Chapter 429, Acts of the 70th Legislature, Regular Session, to set forth the terms by which the district is authorized to pay or reimburse a travel expense, and is required to minimize the amount of reimbursed travel expenses.