

BILL ANALYSIS

Senate Research Center

S.B. 28
By: Barrientos
Natural Resources
4-16-97
As Filed

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. 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, 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) and (d)(1), 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 the powers provided by Chapter 36, rather than 52, Water Code, for underground water conservation districts. Sets forth the terms by which the district does not have the authority to levy taxes under Section 36.201, rather than 52.351, Water Code. Authorizes the district to levy a property tax as provided by Sections 36.201 through 36.204, rather than 52.351 through 52.354, Water Code, if certain conditions exist. Authorizes the board of directors of the district (board) to adopt rules prioritizing water use and assign different fees to the different priorities. Provides that the production capacity for exempt wells within the district, as specified in Section 36.117, rather than 52.170, Water Code, is hereby reduced to a certain number of gallons per day, or such other level as may be adopted by the board by rule, provided the district shall not deny a property owner the ability to drill a well and produce groundwater from the owner's property if the well meets minimum standards. Authorizes the board to assess water users supplied by certain entities a reasonable fee based on each living unit equivalent or meter. Sets forth the terms by which the fee structure shall be determined. Requires those entities having customers assessed a meter fee to include the meter fee assessed by the district to its customers as part of its base rate on the customer's monthly statement, with certain exceptions, and collect and reimburse such fees to the district. Sets forth the terms under which the provisions of Sections 36.205(c) and (d) shall not apply. Authorizes the district to own, construct, and operate wastewater treatment plants and other facilities within the district which prevent or reduce the likelihood of pollution of the aquifer or serve to enhance water conservation. Deletes existing Subsections (f)(1) and (2), regarding election by the City of Austin of members of the district's board of directors and assessment of a water use fee. 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 interests in real property and for capitol projects. Provides that this does not affect the authority of the district in relation to the issuance of bonds. Deletes existing text regarding borrowing money.

SECTION 3. Severability clause.

SECTION 4. Emergency clause.

Effective date: upon passage.