

# Legislative Wrap-Up

## *76th Texas Legislature*



*June 1999*

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## General Appropriations Act

Total appropriations for the State of Texas 2000-01 biennium total \$98.1 billion from all fund sources, a 10.9 percent increase from the 1998-99 biennial level. The highest increases were in General Government (21.7%), Education (14.1%), Judiciary (12%), Regulatory (10.9%), Business and Economic Development (9.5%) and Natural Resources (9.3%).

The Texas Water Development Board (Board) received full funding for its requested FY 2000-01 budget and received appropriations to fully fund the Regional Water Planning Groups for the first round of planning to be completed by January 5, 2000 and for the first year of the second round of planning to begin in FY 2001. The Board's current operational budget was funded from all funds at \$93,442,374 for the biennium with no increase in Full-Time Equivalent Positions (FTEs). Sufficient General Revenue funds were appropriated to fund the biennial debt service for the Economically Distressed Areas Program, and the State Participation Bond program. The Board was also reclassified as a Group 4 agency.

### Major Changes from 1998-99 Level of Funding

- A \$287,162 increase in General Revenue for an early payoff of the lease purchase agreement entered into with the Texas Public Finance Authority in FY 98, for the purchase of stream gauges and flow meters provided by Senate Bill 1, 75<sup>th</sup> Texas Legislature.
- \$3.9 million in oil overcharge monies to be used for the Agricultural Conservation Loan Program.
- A \$12,880,890 increase in General Revenue to fully fund the 16 Regional Water Planning Groups first cycle of water planning and the first year of the second round of planning beginning in FY 2001.
- A \$793,100 increase in all funds to be used for salaries.
- \$4,875,000 in General Revenue to pay debt service for \$50 million in state participation bonds to be issued in the FY 2000-01 biennium.

### Riders

- Rider which specifies the manner in which the appropriated general revenue of \$9.6 million for the Safe Drinking Water program is to be allocated. \$2 million to be used as the state match for community/non-community account and \$7.6 million for the disadvantaged community account of the Safe Drinking Water Act State Revolving Fund.
- New State Participation rider that authorizes the Board to issue up to \$50 million in State Participation bonds for the FY 2000-01 biennium.
- Rider on the continued coordination between the Board and the Texas Department of Housing and Community Affairs on plumbing hook-ups in colonias.
- Rider to appropriate unexpended balances for the Canadian River Basin Chloride Control Project.
- New rider authorizing \$100,000 out of appropriated General Revenue funds to be used to review the benefits of increasing the aquifer recharge features of existing Natural Resource Conservation Service dams and other structures in the Brazos River Basin.

- New rider authorizing the Board to use Research and Planning funds, not to exceed \$100,000, to provide grant assistance for flood protection planning cost contingent upon a local match of at least 10 percent for areas, which the Albuquerque District of the United States Army Corps of Engineers has completed a reconnaissance level of study.
- New rider appropriating \$400,000 of General Revenue funds to be used to provide financial assistance through the Water Assistance Fund to serve the community of Sand Branch in Dallas County for a drinking water project.
- Contingency rider for Senate Bill 658, which changes the dates when regional and state water plans must be adopted. The rider adjusts the performance measure targets to the appropriate strategies affected by this change.
- Contingency rider for Senate Bill 1862, relating to the administrative fee charged on state participation projects. Upon enactment, the appropriation out of the General Revenue Fund to the Board will be reduced by \$40,000 in FY 2001 and the appropriation of Appropriated Receipts will be increased by \$40,000 to be expended on administrative cost for the State Participation program.
- Rider on Debt Service payments for the Economically Distressed Areas Program and State Participation Bond program, authorizing \$26.5 million in General Revenue funds to be used for biennial debt service payments.

## Summary of Strategies and Method of Finance

<u>Strategy</u>	<u>2000</u>	<u>2001</u>
A.1.1. Data Collection	\$3,618,279	\$3,640,002
A.1.2. Long-Range Planning	\$16,469,520	\$6,588,823
A.1.3. Natural Resource	\$9,760,499	\$9,770,520
A.1.4. Resource Information	\$1,034,075	\$1,050,961
A.2.1. Regional Planning	\$4,437,840	\$4,042,225
A.2.2. Conservation Assistance	\$2,497,101	\$2,502,743
B.1.1. Financial Assistance	\$10,570,743	\$8,542,027
B.1.2. Economically Distressed Areas	\$1,710,513	\$1,636,755
C.1.1. Central Administration	\$1,736,687	\$1,766,010
C.1.2. Information Resources	\$543,121	\$551,972
C.1.3. Other Support Services	<u>\$484,429</u>	<u>\$487,529</u>
<b>Total</b>	<b><u>\$52,862,807</u></b>	<b><u>\$40,579,567</u></b>

<u>Method of Financing</u>	<u>2000</u>	<u>2001</u>
General Revenue Fund	\$30,788,463	\$18,415,940
Earned Federal Fund	\$555,239	\$692,372
Agricultural Soil and Water Conservation Account No. 563	\$100,000	\$100,000
Federal Funds	\$9,219,347	\$9,195,083
Water Assistance Fund No. 480	\$3,163,232	\$3,163,232
Agricultural Trust Fund No. 562	\$225,425	\$225,425
Appropriated Receipts	\$6,838,851	\$6,815,265
Interagency Contracts	<u>\$1,972,250</u>	<u>\$1,972,250</u>
<b>Total</b>	<b><u>\$52,862,807</u></b>	<b><u>\$40,579,567</u></b>

Number of Full-Time Equivalent Positions (FTEs) <b>(FTEs did not change from current biennium)</b>	313.5	313.5
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## Changes to Article IX – General Provisions

The most significant change was the codification of numerous provisions relating to employment issues, travel, accounting and reporting requirements, expenditures by state agencies and purchasing and Historically Underutilized Business requirements. These were codified by the passage of Senate Bills 174,175,176,177 and 178, all authored by Senator Ratliff.

### Article IX

A Manager and Director position series for agencies using the Classification Schedule was created.

Moved all exempt positions other than agency head to the classification schedule.

Provided a \$100 per month pay raise to all state employees and to non-faculty higher education employees.

Provides agencies the option of awarding a merit salary increase as a one-time increase payment. Merits can now be awarded every six months instead of every 12 months.

Reallocated several classified positions, including some Information Technology positions, to higher pay grades.

Provided up to a \$3,000 bonus for employees of agencies and higher education institutions in certain information technology jobs.

Changes amount of leave time accrued and carried forward.

- 25 to 30 years of service – 16 hours accrued per month
- 30 to 35 years of service – 18 hours accrued per month
- 35 years or more of service - 20 hours accrued per month

Changes the limits on travel expenditures to 100 percent of what was actually expended in FY 1998.

Prohibits reimbursement for certain travel expenses when agency-wide travel limits are exceeded for more than one year.

Requires all state reimbursed out-of-state travel by an agency's executive director and board members to be reported to the Texas Ethics Commission.

Per Diem rate for board member reimbursement of actual expense for meals and lodging for in-state travel has increased from \$80 to \$95.

Changes the deadline of filing agency annual reports from January 15<sup>th</sup> to November 20<sup>th</sup>.

Changes definition of Full-Time Equivalent employee (FTE). Also FTE number indicated in agency's bill pattern is a cap not to be exceeded without written authority from the Legislative Budget Board and Governor's Office.

The provision for high performing agencies to develop an enhanced compensation program is continued. To be eligible agencies must still achieve or exceed targets for 80 percent of

established key performance measures for the fiscal year preceding the current fiscal year. Also limits the award to 6.8 percent of the employee's annual base pay.

The provision for Performance Benchmarking, which requires internal benchmarking processes and development of agency-specific benchmarking and linkage to the state-level benchmarks, remains in effect. The Governor's Office will select agencies to participate in this process.

The Board has been selected to participate in a study on Activity Based Costing. The Comptroller's Office will provide the guidance for this and the Board will receive up to \$50,000 to pay for software and consulting services for this pilot program.

Prior to expending any funds for a contract workforce, an agency must develop policies and procedures for its contract workforce, conduct a cost benefit analysis and other justification. No later than December 1<sup>st</sup> of each year, all agencies must file with the Legislative Budget Board, the Governor's Office and the State Auditor, a report on an agency's use of contract workforce.

## BILLS IMPACTING TWDB

**HB 1592** by Robert Junell Senate Sponsor: Robert Duncan

**Relating to the state's share of the costs under the brush control cost-share program.**

Amends Sec. 203.154 (a) Agriculture Code. Provides an increase in the state's share in the cost of a brush control project from 70% to 80%. The program as reflected in this legislation is administered by the State Soil and Water Conservation Board.

**EFFECTIVE DATE:** September 1, 1999

**HB 2660** by David Swinford Senate Sponsor: Steve Ogden

**Relating to state drought planning and preparation.**

Designates the coordinator of the Division of Emergency Management as the state drought manager responsible for managing and coordinating drought planning and response, and also expands the membership of the state drought committee. Also, provides for Texas Department of Agriculture (TDA) representation on the Regional Water Planning Groups (RWPGs) and input in the regional water planning process.

**EFFECTIVE DATE:** June 19, 1999

**HB 3079** by Edmund Kuempel Senate Sponsor: J.E. Brown

**Relating to the development and financing of a statewide aquatic vegetation management plan.**

Provides for the Texas Parks and Wildlife Commission to develop and adopt by rule a state aquatic vegetation management plan. Local governments with jurisdiction over public bodies of surface water are required to either adopt the state plan or develop and adopt a local plan. Creates an Aquatic Vegetation Management Fund as a special account within the Water Assistance Fund to provide grants for development and implementation of these plans.

**EFFECTIVE DATE:** September 1, 1999

**HB 3277** by Robert Cook Senate Sponsor: Kenneth Armbrister

**Relating to research on agriculture production in the Gulf Coast Region and its effect on water use and availability and wildlife habitat.**

Establishes an Agriculture/Wildlife Research and Management Advisory Committee within the Texas Agricultural Experiment Station. The Committee will consist of 13 members appointed for two-year terms. The Committee is to advise the Experiment Station on agriculture/wildlife research; encourage communication with other states with

similar interest in agriculture, wildlife, and water use issues; and establish a framework for more efficient management of water in the Gulf Coast Region in order to maintain wildlife habitats and agricultural production. One TWDB representative, appointed by the Executive Administrator, is required to serve on the Agriculture and Wildlife Research and Management Advisory Committee to the Texas Agricultural Experiment Station.

**EFFECTIVE DATE:** June 19, 1999

**HJR 29**

**by Pete Gallego**

**Senate Sponsor: Florence Shapiro**

**Proposing a constitutional amendment authorizing the legislature to provide that a state board, commission, or other agency shall be governed by a board composed of an odd number of three or more members.**

A constitutional amendment that will require all state boards to be composed of an odd number of members with staggered terms. Those created constitutionally can be composed of any number of members divisible by three, each serving staggered six-year terms.

**EFFECTIVE DATE:** Subject to November 2, 1999 election

**HJR 62**

**by Anna Mowery**

**Senate Sponsor: Florence Shapiro**

**Proposing a constitutional amendment to eliminate duplicative, executed, obsolete, archaic, and ineffective constitutional provisions.**

A constitutional revision, which significantly amends Article III of the State Constitution provisions, authorizing the TWDB to issue bonds. As proposed, there will not be any negative impact on the TWDB or its bond programs.

**EFFECTIVE DATE:** Subject to November 2, 1999 election

**SB 76**

**by Carlos Truan**

**House Sponsor: Kino Flores**

**Relating to requiring the Texas Natural Resource Conservation Commission to develop a water availability model for the Rio Grande.**

Directs the TNRCC to develop a water availability model for the Rio Grande River by December 31, 2003, if funds are appropriated.

**EFFECTIVE DATE:** June 19, 1999

**SB 272**

**by J.E. Brown**

**House Sponsor: Ron Lewis**

**Relating to regional water planning groups.**

Gives the Regional Water Planning Groups (RWPGs) the authority to enter into contracts with political subdivisions for assistance in developing and revising regional water plans. Also clarifies that the RWPGs, their members, and any employees of the political subdivision under contract with the RWPG are immune from liability for any acts or

omissions in the course and scope of their work with the RWPGs. If the RWPG member, or employees of the contracting political subdivision are sued for RWPG related actions or omission, the Texas Attorney General's Office will represent them. Also, requires that RWPGs maintain representation of interests comprising the region and only have to appoint additional members, if interests are not adequately represented.

**EFFECTIVE DATE:** June 19, 1999

**SB 657**

**by J.E. Brown**

**House Sponsor: Ron Lewis**

**Relating to the development of water management strategies for periods of drought.**

Removes the requirement for the TNRCC to provide the projected amount of water that would be available when flows are at 75% and 50% of normal conditions. Also removes provisions for regional water plans to include water management strategies for flows at 75% and 50% of normal conditions. Regional water plans must identify each source of water supply in the planning area and identify factors specific to each source of water supply to be considered in determining whether or not to initiate a drought response.

**EFFECTIVE DATE:** June 19, 1999

**SB 658**

**by J.E. Brown**

**House Sponsor: Ron Lewis**

**Relating to the dates by which regional and state water plans must be adopted.**

Changes the dates when the regional water plans and the state water plan must be adopted. The date for the regional water plans changed from September 1, 2000 to January 5, 2001, and the state water plan from September 1, 2001 to January 5, 2002.

**EFFECTIVE DATE:** June 19, 1999

**SB 821**

**by Kenneth Armbrister**

**House Sponsor: Dora Olivo**

**Relating to the authority of a county to operate a water or sewer utility system; granting the power of eminent domain.**

Provides counties with the authority to acquire, own, operate or contract for the operation of a water or sewer utility system to serve unincorporated areas of the county. The county can also issue bonds to finance the water or sewer system.

**EFFECTIVE DATE:** May 24, 1999

**SB 991**

**by Eddie Lucio**

**House Sponsor: David Counts**

**Relating to the operations of the Texas Water Bank.**

Amends the Texas Water Code to allow the TWDB to implement water conservation measures in irrigation districts through the Texas Water Bank with the resulting water saved to be deposited into the Water Bank for transfer to municipalities, industries or other agricultural users.

**EFFECTIVE DATE:** May 10, 1999

**SB 1301**

**by J.E. Brown**

**House Sponsor: Ron Lewis**

**Relating to water conservation measures required in a county during a declared drought disaster.**

Amends Section 16.055, Water Code, adding subsections (g), (h), and (i). These subsections require counties to publish notification of declaration of state of disaster and provide notice to the chair of the local regional planning group and to each person or entity in the county that is required to develop a water conservation or drought contingency plan. Receipt of this notice will require immediate implementation of those plans.

**EFFECTIVE DATE:** September 1, 1999

**SB 1310**

**by J.E. Brown**

**House Sponsor: Robert Cook**

**Relating to providing for representation of agricultural interests in the water resource planning and management activities of the state.**

Provides for the Texas Department of Agriculture (TDA) representation on the Regional Water Planning Groups and input in the regional water planning process.

**EFFECTIVE DATE:** June 18, 1999

**SB 1421**

**By Eddie Lucio**

**House Sponsor: Henry Cuellar**

**Relating to the regulation of the subdivision or development of land in certain economically distressed areas, including colonias, and certain other areas; providing penalties.**

The Omnibus Colonia Bill, which will improve the administration of the Economically Distressed Areas Program (EDAP). The bill includes provisions recommended by TWDB, the Offices of the Attorney General and Secretary of State, the Senate IRTT Committee, and the Border Water Works Group. It also incorporates various legislation filed by Senators Shapleigh, Lucio, Truan and Zaffirini and Representative Cuellar.

**Highlights of SB 1421**

**For residents of certain existing unplatted colonias:** allows utility service hook-ups.

- Currently, laws intended to prevent the sprawl of new colonia development operate to prevent some colonia residents from hooking up to utilities within colonias with the utility service.
- SB 1421 allows water, wastewater, electric and gas service hook-ups in existing, but unplatted colonias, if the colonia has water service and the residents are within 750 feet of such service, or more than 750 feet if water service is feasible.

**For the Governor/Secretary of State:** authorizes state agency coordination on colonia activities.

- Governor may appoint a colonia coordinator position with authority to convene state agency work groups and to appoint six county ombudsmen to coordinate funding and construction activity. Ombudsmen will be located in Cameron, Hidalgo, Starr, Webb, Maverick and El Paso Counties.

**For Counties within 50 miles of the Texas/Mexico Border:** provides assistance in addressing problems.

- Allows border counties to create a planning commission to review and approve or deny subdivision plats.
- Allows border counties to approve a plat of an existing grandfathered subdivision when the existing subdivision cannot meet county drainage, road right-of-way, solid waste, electric, or gas service standards.
- Allows border counties to hire a subdivision inspector and charge a fee.

**For the Attorney General's Office:** increases colonia enforcement by closing loopholes.

- Closes subdivision enforcement loopholes by making existing regulations apply to subdivisions of two or more lots (rather than four or more lots) and to areas within the extra-territorial jurisdictions of cities.
- Allows Model Subdivision Rules to be adopted under the Administrative Procedures Act and reinstates fines, injunctions, and venues in Travis County which were inadvertently repealed in recodification of Chapter 7 of the Water Code.

**For the Texas Water Development Board:**

- Allows TWDB to assist struggling applicants in hiring engineers, and as a last resort, to undertake the planning process when planning efforts have been too slow or inadequate.
- Allows TWDB to require an application for colonia grant funds to include an assessment by TNRCC of the Managerial, Financial, and Technical (MFT) capability of the applicant; and to condition the award of the grant on MFT capability or deny for lack of MFT capability.
- Prohibits the revenues from a colonia grant fund project from being used for transfers to a city's general revenue fund.
- Transfers the responsibility of issuing a finding of public health nuisance for EDAP project grants greater than 50 percent from the TNRCC to the Texas Department of Health.
- Redefines economically distressed areas by deleting the 80 percent occupancy requirement, but still requires that there was an established residential subdivision as of June 1, 1989.

**For the Texas Natural Resource Conservation Commission:**

- Adds new Water Code 5.124 providing TNRCC authority to award resource conservation/environmental protection grants.
- Requires TNRCC to set standards and award a certificate of convenience and necessity (CCN) based on assessing Managerial, Financial, and Technical (MFT) capacity when there is a dispute between two utilities to serve an EDAP area.
- Amends Plumbing License Law to allow unlicensed plumbing for TNRCC sanctioned self-help projects within an EDAP county and an area meeting the definition of an economically distressed area.

**EFFECTIVE DATE:** September 1, 1999



organizations, the Division of Emergency Management, the General Land Office, and the Texas Department of Transportation in mitigating damage by taking action before, as well as providing disaster assistance after, flooding and other natural disasters and to streamline the provision of disaster assistance.

**EFFECTIVE DATE:** June 19, 1999

## EDAP ISSUES

**HB 1982**

**by Fred Hill**

**Senate Sponsor: Carlos Truan**

**Relating to the effect of a municipal annexation on a colonia's continued eligibility for certain assistance.**

Allows a colonia annexed by a municipality prior to September 1, 1999 to remain eligible for five years from annexation for any form of assistance for which the colonia would have been eligible if the annexation had not occurred.

**EFFECTIVE DATE:** September 1, 1999

**HB 3682**

**by Roberto Gutierrez**

**Senate Sponsor: Eliot Shapleigh**

**Relating to authorizing a state agency to waive a matching funds requirement for an economically disadvantaged county.**

State agencies may waive or adjust any matching fund requirement that is a condition for a county to receive a grant or other form of financial assistance from the agency. This applies only to those counties that meet the criteria of an economically disadvantaged county.

**EFFECTIVE DATE:** June 19, 1999

## EMPLOYEE ISSUES

**HB 341**                      **by Brian McCall**    **Senate Sponsor: Jane Nelson**

**Amending the State Labor Code to add new language on employers disclosing information regarding certain employees or former employees.**

An employer may disclose information about a current or former employee's job performance to a prospective employer of the current or former employee, on the request of the prospective employer or employee. An employer who discloses information about current or former employees under this law is immune from civil liability for that disclosure or any damages proximately caused by that disclosure unless it is proven by clear and convincing evidence that the information disclosed was known by that employer to be false at the time the disclosure was made or that the disclosure was made with malice or reckless disregard for the truth or falsity of the information disclosed.

**EFFECTIVE DATE:** September 1, 1999

**HB 558**                      **by Bob Hunter**    **Senate Sponsor: Carlos Truan**

**Requiring state employee proof of selective service registration.**

A state agency may not hire a person who is a citizen of the United States unless the proposed new hire has presented proof that they have registered with the selective service system as required by federal law or they provide proof that they are exempt from registering with the selective service system. This new law would not apply to a person who has been employed with the state prior to September 1, 1999, as long as the person's employment with that agency is continuous.

**EFFECTIVE DATE:** September 1, 1999

**HB 2509**                      **by Dawwna Dukes**    **Senate Sponsor: Eliot Shapleigh**

**Relating to business administration of workers' compensation.**

Allows state employees to use their annual leave when they exhaust their sick leave while out due to an injury. If they choose this election, they cannot receive any income benefits until they have exhausted their annual leave benefits.

**EFFECTIVE DATE:** September 1, 1999

**SB 223**                      **by Steve Ogden**    **Senate Sponsor: Robert Junell**

**Relating to restrictions on spending by state agencies for certain employee training or certain membership dues.**

Requires state agencies to establish written procedures and adopt a policy governing the training of employees to include rules that set requirements for employees that are receiving certain training. Before spending monies on training for state employees, the agency must adopt these rules. This would not include training required by state or

federal law or that is determined necessary by the agency and offered to all employees performing similar jobs. State agencies will be required to prepare and submit an annual report to the Legislative Budget Board (LBB) detailing the amount of money expended by the agency in the preceding fiscal year for training subject to this subchapter.

In addition, a state agency that pays membership dues to an organization that pays all or part of the salary of a person required to register under Chapter 305, shall notify the LBB, Senate Finance and House Appropriations Committees of the payment. It should include the name of the organization, the amount of the membership dues, and the person or persons hired by the organization that is required to register under Chapter 305.

**EFFECTIVE DATE:** September 1, 1999

**SB 1130**

**by Kenneth Armbrister**

**House Sponsor: Sherri Greenberg**

**Relating to programs and systems administered by the Employees Retirement System of Texas.**

Provides the following changes to Employment Retirement Systems (ERS):

- expedites the refund of member accounts;
- modifies retirement eligibility for certain peace officers;
- allows service credit for annual leave and accrued compensatory time for the purpose of determining retirement eligibility;
- provides a partial lump sum distribution option;
- modifies the composition and investment authority of the system's insurance contingency reserve fund;
- provides an annuity increase for ERS retirees and survivor annuitants;
- allows annuitants to obtain accelerated benefits from life insurance policies;
- authorizes a continued state contribution toward survivor insurance coverage; and
- makes other administrative and technical changes.

**EFFECTIVE DATE:** September 1, 1999

## GENERAL GOVERNMENT

**HB 340** by Gary Walker Senate Sponsor: Teel Bivins

**Relating to the exemption from permitting requirements for certain wells in a groundwater conservation district.**

Section 36.117(a), Texas Water Code is amended to delete the exemption of jet wells in a groundwater conservation district used for domestic purposes from permitting requirements.

**EFFECTIVE DATE:** September 1, 1999

**HB 732** by Fred Bosse Senate Sponsor: J.E. Brown

**Relating to stormwater management and regulation by certain political subdivisions; providing a penalty.**

Creates regulations for stormwater management plans of certain political subdivisions to comply with National Pollution Discharge Elimination System requirements. Appears to affect only Harris County.

**EFFECTIVE DATE:** May 28, 1999

**HB 1016** by Glen Maxey Senate Sponsor: Rodney Ellis

**Relating to the manner in which state agency reports are made available to members of the legislature.**

Authorizes state agencies to send reports to the Legislature via the Internet, and then send paper copies upon request. Written notice must be sent to all legislators that the report is available, briefly describing the subject matter of the report, that it is available electronically and a printed copy will be furnished upon request.

**EFFECTIVE DATE:** September 1, 1999

**HB 1074** by Mike Krusee Senate Sponsor: Jeff Wentworth

**Relating to public notification of certain accidental discharges or spills into water.**

Requires notice that the Texas Natural Resource Conservation Commission be notified of any accidental discharge or spill to include exact location, volume and content of the discharge or spill.

**EFFECTIVE DATE:** September 1, 1999







- Employees with compensatory time that is going to lapse can, before the 90<sup>th</sup> day before the lapse, request that time-off be given to use it up and the agency either has to approve the request or offer alternative dates for the time to be used. If the employee makes the request within 90 days of the lapse, the agency is encouraged to accommodate the request. Every year, the agency must notify all employees about the state's policy on compensatory time.
- Employees can receive one-time merit payments as opposed to merit increases.
- Employees with state service of 20-35 years are allowed to earn and accumulate more vacation time more progressively depending on years of service.
- Discourages personal use of agency vehicles.
- Requires agency to use the most cost effective postage and postal services.
- Agencies are to use state-owned facilities for meetings and conferences and discouraged from leasing or paying for private facilities.

**EFFECTIVE DATE:** September 1, 1999

**SB 175**

**by Bill Ratliff**

**House Sponsor: Robert Junell**

**Relating to codification of certain travel provisions in the General Appropriations Act that are applicable to state officers and employees.**

- Codifies certain travel and transportation provisions of the General Appropriations Act that included the requirements for travel to be necessary and serve a state purpose.
- Allows audits of agency travel records by the Comptroller and the State Auditor.
- Requires justifications included in the event more than individual travel to the same location.
- Limitations on reimbursement of commute mileage, limousine services, extended trips to reduce costs to the state.
- Utilization of video conferencing facilities in lieu of travel for training.
- Funding and reimbursements for individuals representing the state on behalf of the Governor, legislator, agency head, etc.
- Utilization of state-owned aircraft, billing rates to agencies and reimbursements to the pilots.
- Allows for state officers' spouses while accompanying the state officers on state business be included in the priority system of scheduling state aircraft.

**EFFECTIVE DATE:** September 1, 1999

**SB 176**

**by Bill Ratliff**

**House Sponsor: Robert Junell**

**Relating to codification of certain reporting and accounting requirements in the General Appropriations Act that are applicable to state agencies.**

- Requirement to provide certified transcripts of Board meetings to the State Library.
- The Comptroller Appropriations Certification and who gets this report as well as the ABEST/USAS reconciliation requirement.
- Grant reporting previously sent to the Legislative Budget Board (LBB) is now additionally to be sent to the Office of State and Federal Relations and the Governor's Office of Budget and Planning (GOBP) and the LBB is given the authority to prescribe rather than develop reporting procedures.
- The annual financial reporting detailed requirements and provisions.

- The reporting provisions relating to the Internal Audit requirement to submit reports to various entities.
- The nonresident bidder reports changes from being sent to the House and Senate and instead goes to the LBB who will detail the reporting information needed, the LBB must then provide the reporting to the Legislature.
- Requirements for an analysis must be filed before any construction project can begin with appropriated money.
- Transfers the reporting requirements for aircraft usage and other information by the Aircraft Pooling Board.
- Requirement that a state agency must notify the Governor and the LBB of lawsuits.

**EFFECTIVE DATE:** September 1, 1999

**SB 177**

**by Bill Ratliff**

**House Sponsor: Robert Junell**

**Relating to codification of certain provisions in the General Appropriations Act that authorizes, restricts, or prohibits expenditures by public entities.**

- Prohibits using appropriated money to an agency or other entity, such as regional planning commissions, councils of government or other entities under Chapter 391 of the Local Government Code, to participate in political activities, influence with the results of an election, employ a lobbyist or otherwise support lobbying, or influence the passage of legislation. Each state employee must sign a statement concerning the above provisions upon employment and the agency must maintain a file of such forms.
- Provisions related to restriction on officers and employees including the use of appropriated money to pay for publicity, the use of alcoholic beverages, and the use of state-owned or leased motor vehicles. Employees must sign and the agency must retain a statement that each employee has received a copy of the standards of conduct from Section 572.051.
- Travel expenditures that are reimbursed may not include charges for alcoholic beverages.
- With exceptions, an agency may not hire auditing services. Audits may be required of a sub-recipient by an agency and a condition of receiving funds.
- Postal services must be cost-effective.
- Membership dues cannot be paid unless approved by agency head.
- Publication restrictions have been moved, although the exceptions to prohibitions have been increased over those specifically listed in the General Appropriations Act.
- Provisions related to employee awards, volunteer awards, examination fees, moving expenses and expenditures that span more than one fiscal year.
- Discourages personal use of agency vehicles.
- Requires agency to use the most cost effective postage and postal services.
- States that agencies are to use state-owned facilities for meetings and conferences. Agencies are discouraged from leasing or paying for private facilities.

**EFFECTIVE DATE:** September 1, 1999

**SB 178**                      **by Bill Ratliff**    **House Sponsor: Robert Junell**

**Relating to codification of certain state agency practices and duties currently prescribed by the General Appropriations Act.**

- Reiterates and defines the proper use of agency vehicles.
- Ensures that agencies use the General Services Commission bid list. Reiterates the Historically Underutilized Business (HUB) reporting requirements and goals.
- Requires agencies to implement a Mentor-Protégé Program to assist HUB vendors.

**EFFECTIVE DATE:** September 1, 1999

**SB 183**                      **by Drew Nixon**    **House Sponsor: Clyde Alexander**

**Relating to the acceptance of gifts by certain state agencies.**

Changes the procedures for acceptance of gifts of \$500 or more by state agencies. The agency can accept it, without Board approval, as long as the Board acknowledges the gift at a public meeting within 90 days. This increases an agency's ability to accept perishable gifts.

**EFFECTIVE DATE:** September 1, 1999

**SB 191**                      **by Steve Ogden**    **House Sponsor: Robert Junell**

**Relating to restrictions on certain actions involving the executive head of a state agency or special district; providing a penalty.**

A governing board must vote to reassign an executive director or contract with a former executive director (gone four years or less) in an open meeting. The terms of the reassignment or contract is subject to the Open Records Act and must be released.

**EFFECTIVE DATE:** September 1, 1999

**SB 501**                      **by Eliot Shapleigh**    **House Sponsor: Rene Oliveira**

**Relating to a state agency's strategic plan to increase the agency's presence in the border region.**

All state agency strategic plans must identify each geographic region served by the agency. This includes the agency's means and strategies for serving each region, specifically including the Texas-Louisiana and the Texas-Mexico border regions.

**EFFECTIVE DATE:** September 1, 1999

**SB 533**

**by Bill Ratliff**

**House Sponsor: Mary Denny**

**Relating to annual and special meetings and elections for water supply and sewer service corporations.**

Board of Directors must adopt written procedures for conducting meetings and holding elections. This must address notification of meetings, establishment of quorum of proxies and votes and other requirements with holding elections.

**EFFECTIVE DATE:** May 10, 1999

**SB 708**

**by Mike Jackson**

**House Sponsor: Patricia Gray**

**Relating to the implementation and financing of approved management plans for designated estuaries of national significance in the state.**

The Texas Natural Resource Conservation Commission (TNRCC) is designated as the lead agency for implementation of approved comprehensive conservation and management plans developed under the National Estuary Program. State agencies named to participate and provide assistance in implementation of the approved plan include the Texas Water Development Board (TWDB), General Land Office, Texas Parks and Wildlife Department, Texas Department of Transportation, Railroad Commission, State Soil and Water Conservation Board, Texas Department of Health, and other state agencies as necessary or appropriate. Funding for implementation is to be shared by the state, local governments in the area, the federal government, and other participants. The TNRCC and any state agency may accept and make grants and enter into contracts to accomplish the actions in the approved plans.

**EFFECTIVE DATE:** August 30, 1999

**SB 709**

**by David Sibley**

**House Sponsor: Jim Keffer**

**Relating to development regulations for certain unincorporated areas located in the watershed of Lake Granbury and the Brazos River; providing a penalty.**

Amends Chapter 231 of the Local Government Code by adding Subchapter K to deal with Developmental Regulations in Hood County. All of Hood County is located within a watershed that drains into Lake Granbury and the Brazos River. Gives the Hood County Commissioner's Court the authority to regulate the development in the county, including the location, design, construction, extension, size, and installation of water and wastewater facilities, including the requirements for connecting to a centralized water or wastewater system. The Commissioner's Court can divide the county into logical districts to help with developmental regulations, with each district having their own regulations. If there is a conflict between the regulations and a law, the one that imposes the higher standard prevails.

**EFFECTIVE DATE:** June 19, 1999

**SB 710**                    **by Jeff Wentworth**                    **House Sponsor: Bob Turner**

**Relating to the requirement of a plat for a subdivision of land outside a municipality.**

Counties, through commissioners courts, have the authority to require platting of new subdivisions, with certain exceptions, to include subdivision drainage, roadways, and water and sewer service.

**EFFECTIVE DATE:** September 1, 1999

**SB 801**                    **by Rodney Ellis**                    **House Sponsor: Glen Maxey**

**Relating to electronic access to certain state agency information.**

Requires state agencies to make available through a generally accessible Internet site the text of its rules and any materials, such as letters, opinions, or compliance materials that explains or interprets rules issued for general distribution. The site must be designed to allow the public to submit questions about the agency's rules and receive responses electronically.

**EFFECTIVE DATE:** June 19, 1999

**SB**    **SB 828**                    **by Eliot Shapleigh**                    **House Sponsor: Pat Haggerty**

**Supplemental environmental projects undertaken in lieu of certain penalties.**

Allows the Texas Natural Resource Conservation Commission to accept in settlement of administrative penalties a supplement environmental project located partially or wholly in Mexico if the project substantially benefits territory in Texas .

**EFFECTIVE DATE:** September 1, 1999

**SB 950**                    **by Robert Duncan**                    **House Sponsor: Robert Cook**

**Submetered and nonsubmetered water utility service provided to residents of multi-family residents.**

Authorizes the owner of a multiple-user facility to allocate taxes and surcharges paid to the public water utility to the tenant on a usage basis. Also allows up to a nine-percent service charge to be allocated to each submetered dwelling or unit.

**EFFECTIVE DATE:** August 30, 1999

**SB 974**                      **by Eliot Shapleigh**                      **House Sponsor: Burt Solomons**

**Relating to the creation of a task force and demonstration project regarding the provision of certain state agency and local government services to the general public and to regulated entities through the Internet.**

Creates a task force to oversee pilot efforts which will address shortcomings in current approaches to transferring legal documents (applications, permits, licenses and the like) in electronic format. This is an interim charge that requires a report to the next Legislature: the task force is abolished on 9/1/2000.

**EFFECTIVE DATE:** September 1, 1999

**SB 1105**                      **by Bill Ratliff**                      **House Sponsor: Todd Staples**

**Relates to the repair and resale of certain data processing equipment.**

State agencies are to repair or refurbish data processing equipment if it is determined economically feasible. If its determined the equipment is to be put in surplus, the agency can transfer the equipment to the Department of Criminal Justice.

**EFFECTIVE DATE:** September 1, 1999

**SB 1127**                      **by Kenneth Armbrister**                      **House Sponsor: Kenneth Brimer**

**Relating to the purchase of goods and services by the state.**

Pertains to rule changes that require that agency purchasers obtain training and certification and also addresses recycling report changes. Agencies will also need to provide the recycling report data in the Annual Financial Report. General Services Commission will develop all information for the agencies and will distribute.

**EFFECTIVE DATE:** June 18, 1999

**SB 1252**                      **by Royce West**                      **House Sponsor: Ruth McClendon**

**Relating to broadcasting public meetings over the Internet.**

Allows agencies to broadcast public meetings over the Internet. Those that do must have a site where the meeting can be viewed and post notice of the meeting there in accordance with the Open Meetings Act. This is a voluntary option.

**EFFECTIVE DATE:** September 1, 1999



**SB 1563**

**by Kenneth Armbrister**

**House Sponsor: Henry Cuellar**

**Relating to establishing customer service standards and performance measures for state agencies.**

Requires all state agencies to collect external customer satisfaction data for each strategy listed in the General Appropriations Act (GAA). The Legislative Budget Board (LBB) will develop means to measure customer satisfaction as well as create performance measures for agencies in this area.

Requires agencies to:

- Create an inventory of external customers for each budget strategy listed in the agency's GAA.
- Gather information from customers using surveys, focus groups, or other methods regarding the quality of our services.
- Report to the LBB and the Governor's Office of Budget and Planning on our customer satisfaction data no later than June 1 of every even-numbered year.
- Implement the customer satisfaction measures that will be designed by the LBB.
- Be prepared for unannounced customer service inspections from the LBB and the GOBP.
- Appoint a Customer Relations Representative.
- Develop a Customer Compact—"Compact with Texans" that will set customer service standards and customer service principles.
- Assist (as appropriate) the LBB and GOBP with their production of a report to the Legislature by 12/31/00.

**EFFECTIVE DATE:** September 1, 1999

**SB 1851**

**by Jeff Wentworth**

**House Sponsor: Sylvester Turner**

**Relating to public access to governmental information and decisions, including revisions to the public information law; providing a penalty.**

Creates several new additions to the Open Records (OR) Act as follows:

- An Open Records steering committee is created to make recommendations on what state information should be made available on the Internet.
- The exceptions for litigation information are changed slightly. The exception for audits is changed to allow withholding not only an audit working paper or draft audit but also the audit itself.
- Clarifies certain commercial and financial information can be excepted as "trade secret."
- Makes it clear a requestor must pay production costs before receiving the information.
- Allows entities to respond more efficiently to repetitious and redundant requests from the same person.
- If a request is estimated to cost more than \$40 to answer, entities are required to send a written estimate of the costs to the requestor and revise this estimate if it later is determined to be more than 20 percent off.

- New rules will allow entities to charge costs when allowing someone to inspect six or more case boxes of information.
- Requests from people who are delinquent in paying previous requests do not have to be answered until a deposit or bond for payment of unpaid amounts is made.
- The General Services Commission report due September of every odd-numbered year is moved forward to December.
- Requestors can seek declaratory or injunctive relief from perceived Open Records violations by complaining to the Travis County District Attorney, who has 30 days to determine if suit should be filed. If not, the requestor can then file the complaint with the Attorney General (AG), who can also file suit.
- Reconsideration of AG opinions is prohibited.
- If an entity is in possession of proprietary information that is subject to a request that requires an AG decision, the entity must give notice to the person whose proprietary interests are at stake and they have the opportunity to file a brief with the AG.
- The Sunset Commission will review how an agency complies with the Open Meetings Act, the Open Records Act and records retention when reviewing an agency.
- Agencies report to the Legislative Budget Board information on open records requests, including costs to the agency (capital and personnel) to respond.
- Agencies must post, by 1/3/2000 a sign prescribed by the General Services Commission about the rights of requestors, responsibilities of the agency, and procedures for inspecting and obtaining information.

**EFFECTIVE DATE:** September 1, 1999

**SJR 26**

**by Bill Ratliff**

**House Sponsor: Mike Krusee**

**Proposing a constitutional amendment relating to compensation for state employees serving as members of local governing boards.**

An amendment to Section 40, Article XVI of the Texas Constitution, to allow state employees, serving as members of a governing body such as school board or any other local government districts, to accept a salary for their work.

**EFFECTIVE DATE:** Subject to November 2, 1999 election

## WATER DISTRICTS & RIVER AUTHORITIES

**HB 846**

**by Ron Lewis**

**Senate Sponsor: J.E. Brown**

**Relating to the administration, management, operation, and authority of water districts and authorities.**

- Addresses several administrative issues affecting water districts and authorities, such as the authority to establish sick leave pools, and would clarify the portions of the Water Code that apply to different types of districts.
- Generally, would amend the definition of "district" in Section 49.001 (1) of the Water Code to exclude from the definition any conservation and reclamation district governed by Chapter 36. Exceptions could occur if so stated in the special law creating a district.
- Amends Section 49.002 of the Water Code to clarify that provision of Chapter 49 do not apply to a district governed by Chapter 36 of the Water Code. Exceptions could occur if so stated in the special law creating a district.
- Repeals Section 49.072 of the Water Code. This states that a person serving as director of a district who becomes a candidate for another office is no longer qualified to serve as director.

**EFFECTIVE DATE:** September 1, 1999

**HB 952**

**by Fred Bosse**

**Senate Sponsor: John Whitmire**

**Creation and duties of the Spring Meadows Municipal Utility District**

Creates the Spring Meadows MUD, in Harris County, under Section 59, Article XVI of the Texas Constitution, subject to a conformation election.

**EFFECTIVE DATE:** May 5, 1999

**HB 1069**

**by Ron Lewis**

**Senate Sponsor: J.E. Brown**

**Relating to the eligibility of a water supply or sewer service corporation to be converted into a special utility district.**

Allows nonprofit water supply and sewer service corporations to convert to "special utility districts" by removing the limitation that the corporation must have been providing services on or before January 1, 1985.

**EFFECTIVE DATE:** August 30, 1999



further regional cooperation between the district and the municipality." The contract can also include terms preventing the municipality from annexing the district for the term of the contract.

**EFFECTIVE DATE:** June 19, 1999

**HB 2275**

**by Terry Keel**

**Senate Sponsor: Jeff Wentworth**

**Relating to board of Southwest Travis County Water District.**

Amends the composition of the Southwest Travis County Water District, a conservation and reclamation district created pursuant to Section 59, Art. XVI, of the Constitution, states the district's board will be composed of five elected persons who reside in the district. The directors will serve staggered, four-year terms. The nine members currently composing the Board will remain until those elected in the November 2, 1999 elections qualify for office. The newly elected directors will take an oath of office.

**EFFECTIVE DATE: September 1, 1999**

**HB 2332**

**by Ron Lewis**

**Senate Sponsor: Kenneth Armbrister**

**Relating to the administration and consolidation of drainage districts.**

Drainage District Board of Directors will now usually be composed of three elected directors. Duties, such as issuing bonds that were performed by county commissioners courts will now be performed by the Board of Directors. Allows the Districts to consolidate.

**EFFECTIVE DATE: September 1, 1999**

**HB 2926**

**by Gary Walker**

**Senate Sponsor: Teel Bivins**

**Relating to elections to approve consolidation of groundwater conservation districts.**

Changes the requirements in Section 36.351(a) and Section 36.354 (a), (b), and (d), Texas Water Code, regarding groundwater management districts consolidating. Clarifies procedures for groundwater management districts to follow initiating consolidation and election requirements. Specifically, an election is not required in the district that does not initiate consolidation. A district may be consolidated only if a majority of the voters in the district vote in favor of the consolidation.

**EFFECTIVE DATE: June 19, 1999**

**HB 2965**

**by Paul Hilbert**

**Senate Sponsor: Jon Lindsay**

**Relating to the creation, administration, powers, duties, operation, and financing of the North Harris County Regional Water Authority; granting the power of eminent domain and the authority to issue bonds and to impose taxes; providing a civil penalty.**

Creates the North Harris County Regional Water Authority, in Harris County, under Section 59, Article XVI of the Texas Constitution, subject to a conformation election. The Authority has the rights, powers, privileges, functions, duties and authority provided for under Chapter 49, Water Code. Authorizes the authority to develop a comprehensive water supply and drought contingency plan every five years, and for it to be consistent with regional planning.

**EFFECTIVE DATE:** June 19, 1999

**HB 3401**

**by Rick Hardcastle**

**Senate Sponsor: Tom Haywood**

**Relating to the creation, administration, powers, duties, operation, and financing of the Wilbarger County Stormwater Control District; granting the authority to issue bonds and impose taxes; granting the power of eminent domain.**

Creates the Wilbarger County Stormwater Control District. The boundaries of the district are co-existent with the boundaries of Wilbarger County. The district will be governed by a board of five elected directors. The district may issue bonds to provide for all improvements and the maintenance of those improvements necessary to achieve the purposes defined in Section 59, Article XVI of the Texas Constitution, and pay for the bonds through ad valorem taxes and revenues collected for that purpose as authorized by Chapter 66 of the Water Code.

**EFFECTIVE DATE:** June 19, 1999

**HB 3481**

**by Tracy King**

**Senate Sponsor: Frank Madla**

**Relating to the governance and the validation of acts and proceedings of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.**

Affirms the current District's elected membership. It resequences the District's staggered precinct elections and validates the elections of 1996 and 1998. It also ratifies all District actions affected by those elections. No change to the District's empowering statute.

**EFFECTIVE DATE:** June 19, 1999

**HB 3591**

**by Terry Keel**

**Senate Sponsor: Jeff Wentworth**

**Relating to the addition of land to a defined area of a water control and improvement district.**

Amends Section 51.534 of the Water Code, basically deleting the phrase "subject to water quality plan" from the section. Currently, Section 51.534 allows Water Control and Improvement Districts to add land pursuant to Section 49.301, Water Code, to the area under the WCID tax plan if the land to be added was in the district and subject to a water quality plan approved by the Texas Natural Resource Conservation Commission. This change will allow the District to add land to their tax plan area even if the land is not subject to a water quality plan.

**EFFECTIVE DATE:** August 30, 1999

**HB 3793**

**by Kip Averitt**

**Senate Sponsor: David Sibley**

**Relating to the powers, duties and financing of the Brazos River Authority, the authority of persons and public agencies to contract with the authority with reference thereto by amending Chapter 13, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended, by adding Section 11 and changing the conditions upon which Authority may sell property by amending Section 12, Chapter 368, Acts of the 44th Legislature, 1st Called Session, 1935, as amended.**

Updates the Brazos River Authority's (Authority) enabling legislation by providing explicit authority for the Authority to contract with various "Persons" and "Public Agencies" which are defined in the Bill. Authorizes public agencies to use and pledge available revenues for the payment of amounts due under contracts with the Authority. Qualifies the term "revenues" to require an election by qualified voters for bond issuance involving the use or pledge of ad valorem taxes. Public agencies are also allowed to fix, charge and collect rates, fees, charges and rentals for services or facilities they provide, and to pledge and use such funds in connection with contracts involving the Authority. The Authority is also allowed to carry out specified activities and acquire and utilize various types of real and personal property necessary or incident to carrying out its functions. The Authority is further authorized to issue bonds for the construction, acquisition and use of various types of property. Additionally, the Authority is granted the ability to include in any revenue bond issue the funds to operate and maintain facilities financed by such bonds for up to two years after completion of the facilities. Subsection (g) provides that in cases of inconsistency or conflict with provisions of other law, this subsection will prevail. The Authority is also able to sell for cash any property or interest it owns if 11 members of its board by vote determine that such property is not necessary to the business of the Authority.

**EFFECTIVE DATE:** August 30, 1999

**HB 3804**                    **by Ronny Crownover**                    **Senate Sponsor: Jane Nelson**

**Relating to the Lake Cities Municipal Utility Authority.**

Validation and reconfirmation of the Lake Cities Municipal Utility Authority. The Authority is given the power of eminent domain and the authority to issue bonds and collect an ad valorem tax.

**EFFECTIVE DATE:** June 19, 1999

**HB 3814**                    **by David Counts**                    **Senate Sponsor: Tom Haywood**

**Relating to the creation of the Salt Fork Water Quality District; authorizing the issuance of bonds.**

The District is authorized to improve the quality of water in the Salt Fork of the Brazos River and its tributaries by controlling and removing salt and other substances. The district has the powers of a special utility district, except that they may not levy or collect taxes. The district may construct, own, and operate facilities; enter into contracts, accept grants, loans, and other assistance from the state, political subdivisions of the state, and other entities. They may also borrow money, issue bonds, sell salt, water, and other products, following approval of their board of directors.

The district is subject to supervision of the Texas Natural Resource Conservation Commission, except that bonds or facilities approved or inspected by the Texas Water Development Board is not required to be approved or inspected by the commission. A board of five directors will govern the district and the initial directors will serve concurrent two-year terms.

**EFFECTIVE DATE:** June 19, 1999

**HB 3817**                    **by Edmund Kuempel**                    **Senate Sponsor: Kenneth Armbrister**

**Relating to the boundaries, confirmation election, administration, powers, duties, operation, and financing of the Guadalupe County Groundwater Conservation District.**

Amends a previous enabling act for the Guadalupe County Groundwater Conservation District that was passed during the 75<sup>th</sup> Texas Legislature. Specific amendments concern: defining the district boundaries as less than co-extensive with the boundaries of Guadalupe County, prohibiting the imposition of taxes, protecting domestic/livestock wells from fees, increasing board of directors representation, and directors' election specifications. The district will be required to submit a groundwater management plan to TWDB for review and certification within two years of confirmation.

**EFFECTIVE DATE:** June 19, 1999



**SB 1755**                    **by Kenneth Armbrister**                    **House Sponsor: Robert Puente**

**Modification of district lines for the election of officers for the Edwards Aquifer Authority.**

Prohibits a county election precinct from containing territory from more than one Edwards Aquifer Authority district and authorizes the authority's board of directors to modify district lines accordingly. Modifications may not increase or decrease the number of districts.

**EFFECTIVE DATE:** May 21, 1999

**SB 1794**                    **by Bill Ratliff**                    **House Sponsor: Barry Telford**

**Powers and duties of Red River Redevelopment Authority.**

Authorizes the authority to operate all utility systems on the authority's property. Also sets forth the powers and duties of the authority and validates certain acts.

**EFFECTIVE DATE:** June 19, 1999

**SB 1822**                    **by Troy Fraser**                    **House Sponsor: Bob Turner**

**Relating to the creation, administration, powers, duties, operations, and financing of Horseshoe Bay Water Control and Improvement District No. 1, Horseshoe Bay Water Control and Improvement District No. 2, and Horseshoe Bay Water Control and Improvement District No. 3; granting authority for taxation and bonds and the power of eminent domain.**

Creates three conservation and reclamation districts in Llano and Burnet Counties. They are called Horseshoe Bay Water Control and Improvement Districts Nos. 1-3. They each have five directors and can be annexed by a municipality once 90% of their work is done or on/after their 20<sup>th</sup> anniversary.

**EFFECTIVE DATE:** June 19, 1999

**SB 1855**                    **by David Bernsen**                    **House Sponsor: Zeb Zbranek**

**Relating to the creation, administration, powers, duties, functions, operations, and financing of the Tarkington Special Utility District.**

Creates the Tarkington Special Utility District, a new conservation and reclamation district in Liberty County. It will have seven directors.

**EFFECTIVE DATE:** June 19, 1999

**SB 1911**

**by J.E. Brown**

**House Sponsor: Gary Walker**

**Relating to the creation, administration, powers, duties, operation, and financing of certain groundwater conservation districts.**

Creates 13 groundwater districts on a temporary basis and allows the legislature to ratify or allow dissolution of the districts on a case-by-case basis during the next legislative session. Temporary directors for each district are appointed by a commissioners court with the same permitting and general management powers under Chapter 36 with the following exceptions:

- May regulate the transfer of water out of the district but not prohibit it;
- No conformation elections before September 1, 2001;
- Districts may not adopt comprehensive management plans before September 1, 2001;
- Districts will not be allowed to assess taxes or issue bonds or notes; and
- Districts will not have annexation, consolidation or eminent domain powers.

The district directors or designees will have the authority to enter property to inspect a well, and revenues for the district will have to come from existing fee authorizations under Chapter 36. Each district created under this section is a governmental agency and a body politic and corporate and is created under and is essential to accomplish the purposes of Section 59, 2-1 Article XVI, Texas Constitution. The following groundwater conservation districts are created:

1. Cow Creek Groundwater Conservation District;
2. Brazos Valley Groundwater Conservation District;
3. Crossroads Groundwater Conservation District;
4. Hays Trinity Groundwater Conservation District;
5. Lone Wolf Groundwater Conservation District;
6. Lost Pines Groundwater Conservation District;
7. McMullen Groundwater Conservation District;
8. Middle Pecos Groundwater Conservation District;
9. Red Sands Groundwater Conservation District;
10. Refugio Groundwater Conservation District;
11. Southeast Trinity Groundwater Conservation District;
12. Texana Groundwater Conservation District; and
13. Tri-County Groundwater Conservation District.

The boundaries of the following groundwater conservation districts are coextensive with county boundaries as follows:

1. the boundaries of the Cow Creek Groundwater Conservation District are co-extensive with the boundaries of Kendall County;
2. the boundaries of the Brazos Valley Groundwater Conservation District are co-extensive with the boundaries of Robertson and Brazos Counties;
3. the boundaries of the Crossroads Groundwater Conservation District are co-extensive with the boundaries of Victoria County;
4. the boundaries of the Lone Wolf Groundwater Conservation District are co-extensive with the boundaries of Mitchell County;
5. the boundaries of the Lost Pines Groundwater Conservation District are co-extensive with the boundaries of Bastrop and Lee Counties, but if the voters of only one county confirm the creation of the district, the boundaries of the district are co-extensive with the boundaries of that county;

6. the boundaries of the McMullen Groundwater Conservation District are co-extensive with the boundaries of McMullen County;
7. the boundaries of the Middle Pecos Groundwater Conservation District are co-extensive with the boundaries of Pecos County;
8. the boundaries of the Refugio Groundwater Conservation District are co-extensive with the boundaries of Refugio County;
9. the boundaries of the Texana Groundwater Conservation District are co-extensive with the boundaries of Jackson County; and
10. the boundaries of the Tri-County Groundwater Conservation District are co-extensive with the boundaries of Foard, Hardeman, and Wilbarger Counties.
11. The boundaries of the Hays Trinity Groundwater Conservation District are co-extensive with the boundaries of Hays County, excluding the part of the county within the boundaries of the Barton Springs-Edwards Aquifer Conservation District or the Edwards Aquifer Authority.

**EFFECTIVE DATE:** September 1, 1999

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