

Legislative Update

6th Annual North Central Texas Chapter of
Texas AWWA

Drinking Water Seminar Program

October 26, 2007

Presented by:

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Overview

- Legislative Process
- SB 3 – Omnibus Water Legislation
- Other 2007 water bills from
 - House
 - Senate



Texas Legislative Process

- Every 2 years
- 140 days per session
- 2007 Legislative Session
 - Filed: 6,190
 - Passed: 1,480
 - Vetoed: 51
- Approved \$152.5 Billion Budget



Senate Bill 1 – 1997

- Regional Water Planning
- Water Conservation
- IBT Constraints
- Amendments Process



Senate Bill 2 – 2001

- Texas Water Advisory Counsel
- GAMs
- Instream Flow Data Collection



Senate Bill 3 – 2007

- Omnibus water bill
- Kip Averitt (R-McGregor)
- Robert Puente (D-San Antonio)
- 140th Day



SB 3 – Article I

- Environmental flows
- Develop & Implement Policies
- “Bottom-up” approach
 - Bay & Basin Stakeholders
 - Expert Science Teams



SB 3 – Article I

- Setting Environmental Flow Standards
 - Committees of bay & basin stakeholders
 - Expert science team support
 - Environmental flow regime recommendations
 - Statewide Science Advisory Group
 - Receive recommendations for analysis and comment
 - Adopt recommendations re environmental flow standards
 - Texas Commission on Environmental Quality
 - Receive recommendations for environmental flows
 - Adopt rules



SB 3 – Article I

- Setting Environmental Flow Standards
 - Interim: Permits with re-opener clauses
 - 12.5% of environmental flows set prior to standards
 - Applicable to increased diversions only



SB 3 – Article I

- Watermaster Advisory Committees
 - Established in each area where TCEQ appoints watermaster
 - Make recommendations regarding administration of water
 - Review watermaster’s budget
 - Other advisory functions



SB 3 – Article II

- Water Conservation Advisory Council
 - 23 interested stakeholders
 - Appointed by TWDB
 - Annual progress reports to Governor, Lt. Governor, and Speaker
 - Monitor water conservation trends & technology
 - Develop water conservation related resources



SB 3 – Article III

- Landowner Protection Measures
 - For potential permitting and construction of new reservoirs
 - Identifies measures that do not violate TWC §16.051(g)
 - which prohibits political subdivisions & state agencies from accepting ownership interests in property that may “significantly prevent” the construction of reservoir sites designated as “unique”



SB 3 – Article III

- Landowner Protection Measures
 - Ensures lease back option to landowners
 - Easements in lieu of fee title for environmental mitigation where feasible



SB 3 – Article IV

- “Unique Reservoir Site” Designation
 - All reservoir sites recommended in 2007 State Water Plan
 - Precludes state agencies from accepting ownership interest in property that would “significantly prevent” these reservoirs
 - Sunset September 1, 2015 unless action to permit or construct has occurred

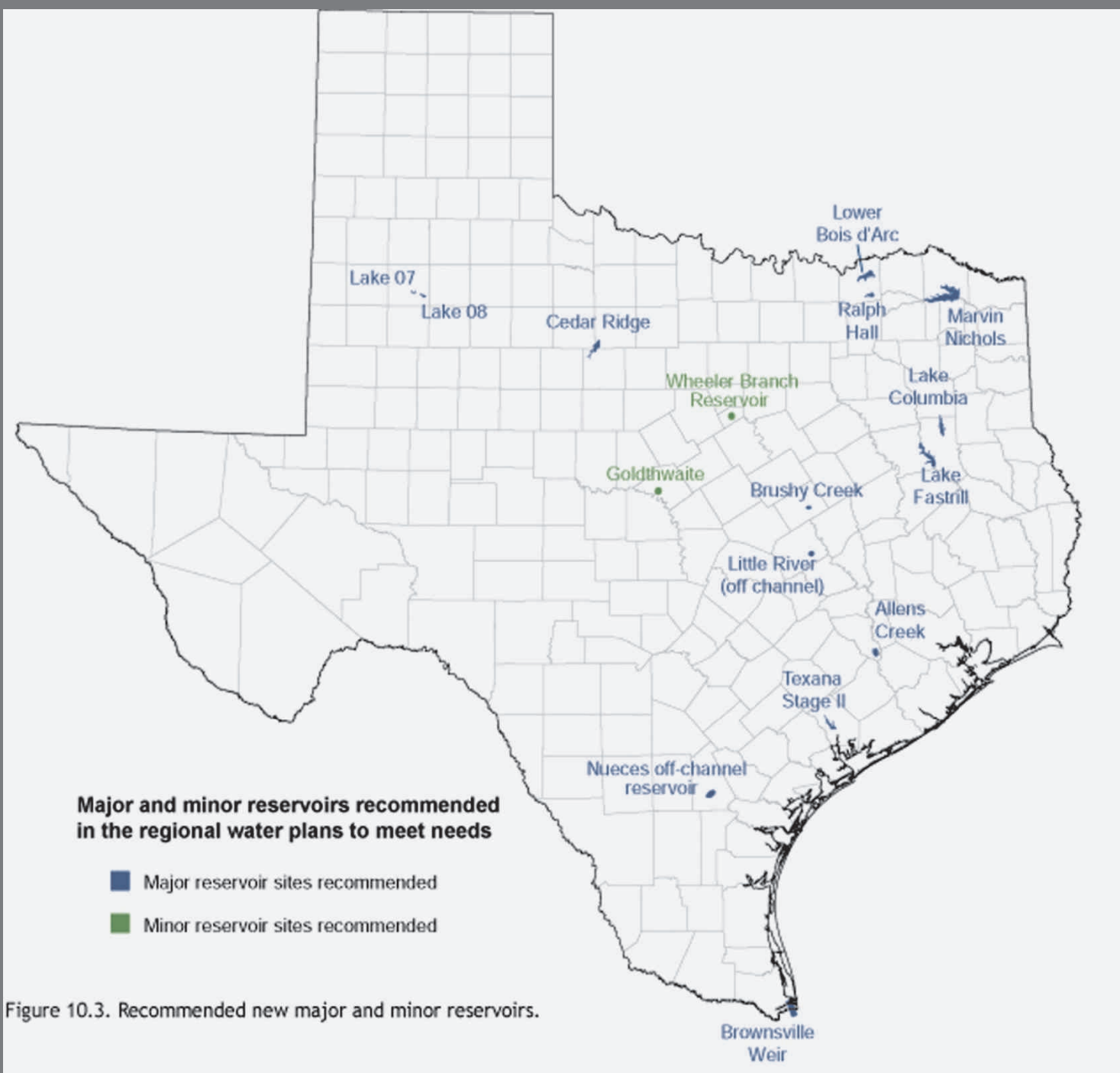


Figure 10.3. Recommended new major and minor reservoirs.



SB 3 – Article IV

- “Unique Ecological Value” Designation
 - Designates all sites recommended in 2007 State Water Plan

SB 3 – Best of the Rest

- Article V: Joint Interim Committee on State Water Funding
 - To assess possible funding alternatives for State Water Plan implementation
 - 8 members of House & Senate
 - Report to Legislature by 12/1/08
- Article VI: Amendment to TWC § 16.344
 - Allows TWDB funding to go to political subdivisions located in economically distressed areas
- Article VII: Amendment to TWC Chapter 49
 - Establishes various customer classes
 - Sets out statutory factors for rate setting



SB 3 – Workout for Wonks

- **Passed Texas Senate 30-0**
- **Passed House of Representatives with 75 amendments not in Senate version**
- **Senate refused to concur and bill referred to Conference Committee**
- **Conference Committee reported bill out May 26, 2007**
- **Senate concurred May 27, 2007 on 29-1 vote**



SB 3 – Workout for Wonks

- On May 28, 2007, the last day of the Legislative Session, the House failed to suspend rules (2/3 vote required) to take up bill on 94-42-6 vote
- Roll call vote to verify votes
- House moved to reconsider (2/3 vote required) on 97-38-4 vote
- 2 points of order raised; overruled
- House adopts Conference Committee report on a 113-28 vote
- Governor signed SB 3 June 16, 2007



House Bill 147

- Amends TWC Chapter 7
- TCEQ may defer administrative penalty, in whole or in part, against
 - MOUs
 - WSCs
 - Water Districts
- Only if certain corrective actions taken
(Phillips/Seliger)



House Bill 149

- Adding TWC § 13.046
 - TCEQ must establish by rule a procedure that allows a **public utility that takes over a nonfunctioning retail water or sewer utility provider**
 - to charge customers a reasonable rate for the services provided
 - to immediately bill customers for services at that rate
- (Phillips/Estes)



Senate Bill 714

- Authorizes groundwater conservation districts to require groundwater production reporting information from wells exempt from permitting
- Certain domestic & livestock wells are exempt

(Fraser/Puente)



Senate Bill 1383

- Amends TWC Chapter 36 – Citizen suit provisions
- **Prior to formal legal proceedings**
 - Regarding the operating or drilling of wells
 - Without a permit; or
 - In violation of certain district rules
 - Must file a complaint with a groundwater conservation district
 - Required to wait for an investigation period by district
- Certain exemptions allow a person to enjoin the drilling or completion of illegal wells (Seliger/Smithee)

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