



Water Issues for 83rd Texas Legislature

Texas Water Conservation Association 69th Annual Conference

Presented by:

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Bill Filing Statistics

- 4026 HBs and SBs filed as of March 6.
- Filing deadline for bills of general applicability is Friday, March 8.
- 5796 HBs and SBs filed in 2011.
- 7419 HBs and SBs filed in 2009.



HB 4 (Ritter) / SB 4 (Fraser) – State Water Implementation Fund for Texas

- Creates the State Water Implementation Fund for Texas (SWIFT).
- TWDB may use money in the SWIFT to provide financing for projects included within the State Water Plan, including conservation, reuse, and (in HB 4) education projects.
- Establishes an advisory committee for the SWIFT comprised of members appointed by Speaker, Lt. Governor, and Governor to submit recommendations to the TWDB regarding the use of money in the SWIFT.
- Requires the TWDB to adopt rules for the use of the SWIFT, including a method to prioritize projects within each RWPG.
- SWIFT funds consist of money transferred to fund, proceeds from any tax or fee dedicated to fund, and interest earned on balance.



House Bill 11 (Ritter) – Transfer of \$2 Billion from Economic Stabilization Fund

- Appropriates \$2 billion from the Economic Stabilization Fund (Rainy Day Fund) to the State Comptroller to deposit that amount to the State Water Implementation Fund for Texas (SWIFT) as money available for use by the TWDB for the purposes of the SWIFT.
- If the SWIFT is not created by the Legislature, the same amount will be transferred to the TWDB for the purposes of TWDB Fund II.

SB 22 (Fraser) – Administration of TWDB

- Major changes to the governance of the TWDB.
- 3 TWDB Members instead of current 6 Members.
- A person may not serve more than two 6 year terms.
- Each Board Member is required to serve on a full-time basis.
- Governor require to appoint 3 Board Members by 9/1/13.
- Appropriates \$2 Billion from the Rainy Day Fund to the credit of the SWIFT.

SB 235 (Fraser) – Creation of Regional Water Authorities for Water Infrastructure Projects

- Allows two or more governmental entities to submit a petition to the TCEQ requesting the creation of a regional water authority.
- After notice and public meeting, TCEQ can issue order creating RWA.
- Finance water projects, including dams, desalination facilities, reservoir, or treatment fac.
- No ad valorem taxing authority / bonding authority based on revenues.

HB 1600 (Cook) / SB 206 (Nichols) – PUC Sunset

- Second round for PUC Sunset legislation.
- Would continue the PUC until 2023.
- Would transfer the water and wastewater utility CCN and ratemaking functions from the TCEQ to the PUC.
- Gives Office of Public Utility Counsel authority to intervene in water rate cases on behalf of residential and small commercial customers.
- Establishes Investor Owned Utilities classifications based on number of connections.

HB 1307 (Geren) / SB 567 (Nichols/Watson)

- Would transfer the water and wastewater utility CCN and ratemaking functions from the TCEQ to the PUC.
- Gives Office of Public Utility Counsel authority to intervene in water rate cases on behalf of residential and small commercial customers.
- Establishes Investor Owned Utilities classifications based on number of connections.



HB 2362 (Keffer) / SB 1092 (Birdwell) – Audit and Review of River Authorities

- River authorities are added to the list of entities that are part of the audit plan for the State Auditor.
- Legislative Budget Board may periodically review and analyze the effectiveness and efficiency of the policies, management, fiscal affairs, and operations of a river authority.

SB 448 (Fraser) – Audit of LCRA

- State Auditor required to conduct comprehensive financially related audits, including audits of the operations and performance, of the LCRA.
- Report from State Auditor is due by January 1, 2015.

HB 635 (Howard) – Sunset Review of LCRA

- Would place LCRA under the Texas Sunset Act.
- Sunset review process would occur over the next two years leading into the 84th Legislature.
- LCRA would be responsible for the costs of the Sunset Advisory Commission to review the authority.

HB 2334 (Callegari) – Brackish Groundwater

- Creates exemption for brackish or marine water from permitting requirements under Chapter 11, Water Code.
- Establishes that interbasin transfer requirements are not applicable to a proposed transfer from one river basin to another river basin of brackish or marine water.
- Adds the definition of “brackish groundwater” to Chapter 36 of the Water Code.
- Provides that the provisions of Chapter 36 are not applicable to wells used to withdraw brackish groundwater.

HB 2334 (Callegari) – Brackish Groundwater

- Amends Chapters 11 and 36 of the Water Code.
- Defines “brackish water” and “marine water”
- “Brackish water” means water that contains a total dissolved solids concentration of more than 1,000 milligrams per liter.
- “Marine water” means water that contains TDS concentration of more than 10,000 milligrams per liter and is derived from Gulf of Mexico or adjacent bay, estuary, or arm of Gulf.

HB 1796 (Isaac) – Well Permit Terms

- Adds language to Chapter 36, Water Code to establish that a GCD shall renew a well permit renewal without at permit if the renewal application is for:
 - same point of groundwater withdrawal
 - place of use of groundwater
 - purpose of use of groundwater
- Similar language regarding no hearings for well permit amendment applications that does not change:
 - point of withdrawal of groundwater
 - place or purpose of use of the groundwater
 - rate or amount of groundwater withdrawal
- GCD can amend operating permits for changing aquifer conditions or DFCs but the amendment may not change the rate or amount of withdrawal by > 5%

SB 272 (Seliger) – Reporting of Groundwater Production

- Establishes that the TWDB will adopt rules requiring the owner or operator of a well not exempt from the permitting requirements of GCD to report groundwater withdrawals to the GCD in which the well is located.
- When adopting its rules, the TWDB is required to consider all methods of tracking groundwater withdrawals, including metering and formulas.

HB 1219 (Lucio III) / SB (Lucio) – Irrigation Districts

- Makes extensive revisions to Chapter 51 of the Water Code.
- Addresses numerous issues associated with contracts for irrigation water, including the assessments, charges, fees, and rental payments that are part of the contracts.

HB 2082 (Ritter) / SB 957 (Fraser) – Contested Case Hearings

- Would replace the contested case hearings process for certain types of permits with a notice and comment-type process.
- Applicable to:
 - wastewater discharge permits
 - Class 1 injection well permits
 - solid waste permits
 - air permits



HB 1749 (Perry) / SB 984 (Ellis) – Meeting of Governmental Body by Videoconference

- Amends the Texas Open Meetings Act to enable governmental bodies that extend into 3 or more counties to hold a meeting by videoconference if the member presiding over the meeting is physically present at the meeting location that is open to the public.



HB 1339 (Ritter) / SB 293 (Williams) – Meetings by Teleconf. or Videoconf.

- Amends Texas Open Meetings Act to allow water districts to hold meetings by telephone or video conf. call if certain conditions are met.
- Defines “water districts” as a river authority, GCD, WCID, or other district created under Sect. 52, Art. III or Sect. 16, Art. XVI of Tex. Const.
- Only applies to a water district whose territory includes land in three or more counties.
- Special called meeting and immediate action required.

SB 1169 (Hegar) – Water Conservation

- Places the Water Conservation Advisory Council under the Texas Sunset Act.
- Provides more specificity for the report the WCAC provides the legislative leadership to include statutory, budgetary, and policy recommendations to improve water conservation and management.
- Retail public utilities that receive TWDB financial assistance must use portion of funds on mitigating water losses.

HB 824 (Callegari) / SB 584 (Hegar) – Exemption from Reporting for Accidental Discharges

- Provides an exemption for reporting requirements to the TCEQ for an accidental discharge or spill if the spill is 1,500 gallons or less from a wastewater treatment facility or collection facility that is controlled or removed before the waste or other substance enters water in the state.



HB 2616 (Johnson) – Authority of TCEQ to Establish Restrictions - Water Use during Drought

- Would require the TCEQ to establish, by rule, uniform stages of drought response, including measures to be implemented during each stage.



HB 1780 (Schaefer) – Emergency Orders for Water Rights

- Adds notice provisions and the ability of a water rights holder affected by a proposed emergency order of the TCEQ to suspend or adjust surface water rights to request the TCEQ hold a hearing on the proposed emergency order.

Questions?

- Any questions?
- Thank you.