

BILL ANALYSIS

C.S.H.B. 163
By: Larson
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the state has become entangled over the past several years in a number of legal disputes regarding water allocation in the Southwest region of the United States and that these disputes have placed the state in an adversarial position against many of Texas' neighbors. The interested parties express concern that these legal disputes waste taxpayer money and that the results are often untimely and unfavorable. C.S.H.B. 163 seeks to facilitate a dialogue between Texas and its neighbors in an effort to take these disputes out of the courtroom and help solve the ongoing problem of allocating the scarce and precious resource that is water.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 163 amends the Water Code to change the name of the Multi-State Water Resources Planning Commission to the Southwestern States Water Commission. The bill specifies that the commission is created as an advisory commission to the governor and the legislature and removes the specification that the commission is created as an agency of the state. The bill changes the composition of the commission by decreasing from seven to three the number of commissioners, removing the requirement that the governor appoint the commissioners with the advice and consent of the senate, and removing criteria for the appointments. The bill instead requires the commission to be composed of the governor or the governor's designee, a member of the standing committee of the house of representatives that has jurisdiction over natural resources who is appointed by the governor, and a member of the standing committee of the senate that has jurisdiction over natural resources who is appointed by the governor. The bill requires the governor to appoint the initial appointed commissioners promptly after the bill takes effect and provides for the staggered terms of those commissioners. The bill requires the governor or the governor's designee to act as the official representative of the state on the commission and to exercise all powers and duties of the state as a member of the commission. The bill decreases from six years to four years the staggered terms for appointed commissioners and makes related changes regarding commissioner terms and vacancies. The bill removes the requirement that the governor designate one commissioner as chairman of the commission to serve at the will of the governor and instead requires the governor or the governor's designee to serve as chairman.

C.S.H.B. 163 requires the Texas Water Development Board (TWDB) to provide administrative

support, instead of providing necessary staff and support, to the commission to assist the commission in carrying out its statutory powers and duties. The bill removes the requirement for the commission to study the water needs of the region after the year 2000 in cooperation with representatives of neighboring states and instead authorizes the commission to discuss the water needs of the region in cooperation with representatives of neighboring states. The bill authorizes, instead of requiring, the commission to initiate and carry out discussions with representatives of neighboring states relating to the identification and development of sources and methods of augmenting water supplies on a regional basis after existing water supplies are fully committed.

C.S.H.B. 163 authorizes, instead of requiring, the commission to contract and confer with the government of Mexico concerning water needs and development of sources of water supply. The bill authorizes, instead of requiring, the commission to contact and negotiate with other states regarding the need for establishing interstate compacts, addressing groundwater problems, needs, and supplies, if an aquifer underlies several states, and addressing other related subjects that would be beneficial to the states including the conservation and beneficial use of water.

C.S.H.B. 163 repeals statutory provisions specifying that each commissioner is an officer of the state and requiring each commissioner to qualify by taking the official oath of office, entitling each commissioner to receive certain compensation and expenses, and requiring the commission to request the TWDB to prepare studies that consider utilization of only that floodwater that is determined to be in excess of the reasonably foreseeable needs of any area where that floodwater is located.

C.S.H.B. 163 repeals the following sections of the Water Code:

- Section 8.014
- Section 8.018
- Section 8.053

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 163 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. The heading to Chapter 8, Water Code, is amended.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Section 8.001(1), Water Code, is amended.

SECTION 2. Same as introduced version.

SECTION 3. Section 8.011, Water Code, is amended.

SECTION 3. Same as introduced version.

SECTION 4. Section 8.013, Water Code, is amended to read as follows:

Sec. 8.013. COMMISSIONERS

SECTION 4. Section 8.013, Water Code, is amended to read as follows:

Sec. 8.013. COMMISSIONERS

[MEMBERS OF COMMISSION];
APPOINTMENT. [(a)] The commission is composed of six [seven] commissioners.

Two commissioners [who] are appointed by the governor, two commissioners are appointed by the lieutenant governor, and two commissioners are appointed by the speaker of the house of representatives [with the advice and consent of the senate].

[(b)] The governor shall make the appointments so that each member is from a different section of the state.

[(e)] Three commissioners must be members of the general public, one commissioner must have a background in the field of higher education, one commissioner must have a background in private business, one commissioner must have a background in agriculture, and one commissioner must have a background in an energy related field.]

SECTION 5. Section 8.015, Water Code, is amended to read as follows:

Sec. 8.015. TERMS [OF OFFICE]. (a)

Commissioners serve [hold office] for staggered terms of six years, with the terms of two or three commissioners expiring on February 1 of each odd-numbered year.

(b) Each commissioner serves [holds office] until the commissioner's [his] successor is appointed [and has qualified for office].

(c) A [If a] vacancy on the commission [occurs in the office of commissioner, the governor] shall be filled [appoint a successor to serve] for the unexpired portion of the

[MEMBERS OF COMMISSION];
APPOINTMENT. (a) The commission is composed of three [seven] commissioners as follows:

(1) [who are appointed by] the governor or the governor's designee;

(2) a member of the standing committee of the house of representatives that has jurisdiction over natural resources, appointed by the governor; and

(3) a member of the standing committee [with the advice and consent] of the senate that has jurisdiction over natural resources, appointed by the governor.

(b) The governor or the governor's designee shall act as the official representative of this state on the commission and shall exercise all powers and duties of this state as a member of the commission [make the appointments so that each member is from a different section of the state].

[(e)] Three commissioners must be members of the general public, one commissioner must have a background in the field of higher education, one commissioner must have a background in private business, one commissioner must have a background in agriculture, and one commissioner must have a background in an energy related field.]

SECTION 5. Section 8.015, Water Code, is amended to read as follows:

Sec. 8.015. TERMS [OF OFFICE]. (a) The two appointed commissioners serve [Commissioners hold office for] staggered terms of four [six] years, with the term [terms] of one appointed commissioner [two or three commissioners] expiring on February 1 of each odd-numbered year.

(b) Each appointed commissioner serves [holds office] until the commissioner's [his] successor is appointed [and has qualified for office].

(c) A [If a] vacancy in an appointed position on the commission [occurs in the office of commissioner, the governor] shall be filled [appoint a successor to serve] for

term in the same manner as the original appointment.

No equivalent provision.

the unexpired portion of the term in the same manner as the original appointment.

SECTION 6. Section 8.016, Water Code, is amended to read as follows:

Sec. 8.016. CHAIRMAN. The governor or the governor's designee shall serve [designate one commissioner] as chairman of the commission [to serve at the will of the governor].

No equivalent provision.

SECTION 7. Section 8.017(c), Water Code, is amended to read as follows:

(c) The chairman or two commissioners may call a special meeting at any time by giving notice to the other commissioner or commissioners.

SECTION 6. Section 8.019, Water Code, is amended.

SECTION 7. Section 8.051, Water Code, is amended.

SECTION 8. Section 8.052, Water Code, is amended.

SECTION 9. Section 8.056, Water Code, is amended.

SECTION 10. Sections 8.014, 8.018, and 8.053, Water Code, are repealed.

SECTION 11. (a) Promptly after this Act takes effect, the governor, lieutenant governor, and speaker of the house of representatives shall appoint the initial members of the Southwestern States Water Commission under Chapter 8, Water Code, as amended by this Act.

(b) In appointing the initial members of the commission:

- (1) the governor shall appoint one person to a term expiring February 1, 2017, and one person to a term expiring February 1, 2019;
- (2) the lieutenant governor shall appoint one person to a term expiring February 1, 2017,

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.

SECTION 10. Same as introduced version.

SECTION 11. Same as introduced version.

SECTION 12. Same as introduced version.

SECTION 13. (a) Promptly after this Act takes effect, the governor shall appoint the initial appointed members of the Southwestern States Water Commission under Chapter 8, Water Code, as amended by this Act.

(b) In appointing the initial appointed members of the commission, the governor shall appoint one person to a term expiring February 1, 2017, and one person to a term expiring February 1, 2019.

and one person to a term expiring February 1, 2021; and

(3) the speaker of the house of representatives shall appoint one person to a term expiring February 1, 2019, and one person to a term expiring February 1, 2021.

SECTION 12. This Act takes effect September 1, 2015.

SECTION 14. Same as introduced version.