

SUBJECT: Creating and augmenting state water conservation programs

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 8 ayes — Puente, Callegari, Hope, Bonnen, Campbell, Geren, Hilderbran, Laney

0 nays

1 absent — Hardcastle

WITNESSES: For — Carole Baker, Harris-Galveston Coastal Subsidence District, Texas Section of the American Water Works Association; Luana Buckner, Edwards Aquifer Authority, Medina County Groundwater Conservation District; Calvin Finch, San Antonio Water System; Ken Kramer, Lone Star Chapter of the Sierra Club; Ken Petersen, Texas Rural Water Association; Krista Richter, Texas On-Site Waste Water Association; Ron Suchecki, Texas On-Site Waste Water Association, National On-Site Waste Water Recycling Association; C.E. Williams, Panhandle Groundwater District

Against — None

BACKGROUND: Under Water Code, sec. 16.053, regional water planning groups are required to submit a regional water plan that provides for the development, management, and conservation of water resources, including drought management.

DIGEST: HB 1226 would create or expand several state water conservation programs.

Water conservation advisory council. The bill would establish a water conservation advisory council for the purpose of providing expertise in water conservation. The Texas Water Development Board (TWDB) would appoint 17 members to the council, representing each of the following groups:

- the Texas Commission on Environmental Quality;
- the Texas Department of Agriculture;

- the State Soil and Water Conservation Board;
- the Texas Water Development Board;
- regional water planning groups;
- federal agencies;
- municipalities;
- groundwater conservation districts;
- river authorities;
- environmental groups;
- irrigation districts;
- industries;
- institutional water users;
- professional water conservation associations;
- higher education; and
- agriculture groups.

Each entity or interest group could recommend an individual to fill its position on the council. Members would serve staggered six-year terms that would end on August 31 of each odd-numbered year. The council members would select a member to serve as presiding officer until that person's term expired. Members would serve without compensation but could be reimbursed for expenses by legislative appropriation.

The council would be charged with several duties. The council would:

- monitor trends in the implementation of water conservation;
- monitor new technologies for possible inclusion in the best management practices guide developed by the water conservation implementation task force;
- monitor the effectiveness of a statewide water conservation awareness program created under the bill;
- develop a state water management resource library;
- implement a public water conservation recognition program;
- monitor the implementation of water conservation strategies by users in regional water plans; and
- monitor water conservation guidelines to be considered by TWDB and TCEQ.

By December 1 of each even-numbered year the council would submit a report on the progress in water conservation to the governor, the lieutenant governor, and the speaker of the House.

TWDB would provide any necessary staff to assist the council in its duties. The council could hold public meetings to fulfill its duties and would be subject to state open meetings and public records laws. Law governing state agency advisory committees would not apply to the council.

Water conservation plan. A retail public utility providing potable water service to a population of at least 3,300 would have to submit to the TWDB chief administrator a water conservation plan based on specific goals generated in accordance with best management practices developed by TCEQ and TWDB.

Water conservation awareness program. The bill would require the TWDB executive administrator to develop and implement a statewide public awareness program to educate Texas residents about water conservation.

Water conservation plan review. Each entity required to submit a water conservation plan to TCEQ would have to submit a copy of the plan and report on implementation to the TWDB executive administrator. The executive administrator would review the plan and report to determine compliance with rules adopted by TWDB and TCEQ. Those rules would identify the minimum requirements for the plan. TWDB could notify TCEQ if an entity had violated its requirements. The entity would be subject to enforcement actions by TCEQ if it committed a violation.

Other provisions. The TWDB water assistance fund could be used to provide grants for water conservation.

TWDB would develop a regional water conservation assistance program with regional conservation coordinators in each regional water planning area to enhance conservation in those areas.

For applications for funds to implement water supply projects in the state water plan, TWDB would give priority to entities that had demonstrated significant water supply savings or would achieve savings by implementing the project for which funding was sought.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

NOTES:

According to the LBB, HB 1226 would have a net negative impact of \$19.9 million in general revenue and result in an increase of 21.5 FTEs for fiscal 2006-07. The costs primarily would be associated with the addition of regional conservation coordinators for each water planning area and with implementation of the public awareness program.