BILL ANALYSIS

Senate Research Center

H.B. 1378
By: Geren (Duncan)
Natural Resources
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Enrolled

DIGEST AND PURPOSE

H.B. 1378 clarifies language regarding the Texas Water Advisory Council, and several programs of the Texas Water Development Board and allows landowners to request that information collected through field investigations for groundwater availability modeling purposes be kept confidential.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 9.002 through 9.009, 9.016, and 9.017, Water Code, as follows:

Sec. 9.002. CREATION AND MEMBERSHIP. (a) Provides that the Texas Water Advisory Council (council) is created to provide the governor, lieutenant governor, speaker of the house of representatives, and legislature with the resource of a select council with expertise on state water issues and consists of 15, rather than 13, certain members.

(b) Prohibits council members, except as provided by Subsection (c), from delegating participation or council duties to staff.

(c) Authorizes a council member who is a member of the governing body of a state agency to delegate participation and council duties to the agency's executive administrator, executive director, or deputy commissioner, as appropriate.

Sec. 9.003. TERMS. (a) Provides that members serve staggered three-year terms. Deletes text regarding certain exceptions.

(b) Authorizes public members to be reappointed to serve additional terms. Deletes text regarding council members who are members of the general public serving certain terms.

(c) Provides that legislative members serve at the discretion of the original appointing authority.

(d) Makes no changes.

Sec. 9.004. OFFICERS OF THE COUNCIL. (a) Requires the council to elect a chair from among the legislative members of the council. Requires the chair of the council, rather than the governor appointing a council member, to serve a two-year term, rather than a two-year term expiring May 31 of each even-numbered year.

(b) Requires the council to alternate the selection of the chair every two years between a house and senate council member, rather than having a secretary of the council who serves at the pleasure of the council and is accountable only to the council.

Sec. 9.005. COUNCIL STAFF. Requires the senate and house standing committees with primary responsibility over water resource management, the Texas Commission on Environmental Quality, the Parks and Wildlife Department, the Department of Agriculture, and the Texas Water Development Board, on request by the council, to provide any staff necessary to assist the council in the performance of its duties. Deletes text regarding staff other than the secretary of the council.

Sec. 9.006. MEETINGS. (a) Requires the council to conduct public meetings at the discretion of the chair at least twice a year, rather than meeting at least once in each calendar quarter. Provides that eight, rather than six, members constitute a quorum.

(b) Makes no changes.

Sec. 9.007. COMPENSATION OF MEMBERS. (a) Provides that members of the council serve without compensation, but public members may be reimbursed by legislative appropriation for actual and necessary expenses related to the performance of council duties.

(b) Provides that reimbursement under Subsection (a) is subject to the approval of the council, rather than the chair.

Sec. 9.008. POWERS AND DUTIES OF COUNCIL. (a) Authorizes the governor, lieutenant governor, and speaker of the house of representatives to issue charges to the council on state water issues. Requires the council to provide recommendations to the governor, lieutenant governor, or speaker of the house of representatives, as appropriate, based on the charges. Deletes text regarding a list of council duties.

(b) Authorizes the council, if the governor, lieutenant governor, or speaker of the

house of representatives does not issue charges to the council, to create a list of state water issues and present the list to the governor, lieutenant governor, and speaker of the house of representatives. Authorizes the governor, lieutenant governor, and the speaker of the house of representatives to select a total of not more than four issues from the list. Requires the council to provide recommendations based on that list.

(c) Authorizes the council to draft and review proposed legislation, for purposes of recommendations only, to communicate specific policy changes that may be needed.

(d) Authorizes the council to request reports from river authorities, surface water authorities, and water districts.

(e) Requires the council to coordinate its efforts with the senate and house standing committees with primary responsibility over water resource management.

(f) Authorizes the council to appoint subcommittees of council members to analyze specific issues within charges to the council or issues selected from the council's list by the governor, lieutenant governor, and speaker of the house of representatives.

(g) Authorizes the council to appoint a technical committee to analyze specific issues within charges to the council or issues selected from the council's list by the governor, lieutenant governor, and speaker of the house of representatives. Authorizes the technical committee to contain noncouncil members.

(h) Created from existing text.

Sec. 9.009. REPORT. (a) Requires the council to submit a report on its recommendations to the governor, lieutenant governor, and speaker of the house of representatives and to the senate and house standing committees with primary responsibility over water resource management, but not financing, not later than December 31 each year. Deletes text regarding the council's report being submitted not later than December 1 of each even-numbered year.

(b) Requires the report to include recommendations, rather than findings, the council made on charges issued by or issues selected from the council's list by the governor, lieutenant governor, and speaker of the house of representatives during the year. Deletes text regarding findings in the periodic reviews of authorities.

(c) Authorizes the governor, lieutenant governor, and speaker of the house of representatives to request additional reports on specific charges at any time.

(d) Authorizes the council to request reports from committees established under

Sections 9.008(f) and (g).

Sec. 9.016 PUBLIC PARTICIPATION. Requires the council to encourage public participation at council meetings and public input regarding the council's purpose, the exercise of its powers and duties under Section 9.008, and its preparation of the report described in Section 9.009. Deletes text regarding the council's analysis of authorities under certain sections.

Sec. 9.017. DISSOLUTION OF COUNCIL AND ACCOUNT. Provides that unless extended by the 79th, rather than 78th, Texas Legislature, this chapter and the interagency water advisory account expire on December 31, 2005, rather than September 1, 2005.

SECTION 2. Amends Sections 15.005(a), (b), and (d), Water Code, as follows:

(a) Requires the executive administrator, rather than the development fund manager, on submission of a project application under this chapter, to determine if the application includes a project that will have flood control as one of its purposes and if the political subdivision submitting the application includes all of the watershed in which the project is to be located.

(b) and (d) Make conforming changes.

SECTION 3. Amends Section 16.012(m), Water Code, to authorize the executive administrator to conduct surveys of entities using groundwater and surface water for municipal, industrial, power generation, or mining purposes at intervals determined appropriate by the executive administrator to gather data to be used for long-term water supply planning. Deletes text regarding surveys obtained by the board from nongovernmental entities.

SECTION 4. Amends Section 16.012, Water Code, by adding Subsection (n), to provide that information collected through field investigations on a landowner's property by the executive administrator after September 1, 2003, solely for use in the development of groundwater availability models under Subsection (1) of this section that reveals site-specific information about such landowner is not subject to Chapter 552, Government Code, and prohibits it from being disclosed to any person outside the board if the landowner on whose land the information is collected has requested in writing that such information be deemed confidential. Authorizes the executive administrator, if a landowner requests that his or her information not be disclosed, to release information regarding groundwater information only if the information is summarized in a manner that prevents the identification of an individual or specific parcel of land and the landowner. Provides that this subsection does not apply to a parcel of land that is publicly owned.

SECTION 5. Amends Sections 16.053, Water Code, by amending Subsections (d) and (e) and adding Subsection (e-1), as follows:

(d) Deletes text requiring by rule a report to be sent to the board on certain water pipelines and other facilities and text regarding the prevention of certain management plans or projects.

(e) Deletes text regarding certain information on water pipelines and other facilities.

(e-1) Requires a regional planning group, on request of the Texas Water Advisory Council, to provide the council a copy of that planning group's regional water plan.

SECTION 6. Amends Section 17.183, Water Code, as follows:

Sec. 17.183. CONSTRUCTION CONTRACT REQUIREMENTS. Makes conforming changes.

SECTION 7. Amends Section 17.276(a), Water Code, to make a conforming change.

SECTION 8. Amends Section 30.003, Water Code, to define "canal."

SECTION 9. Repealer: Sections 9.010 (Analysis of Authorities), 9.011 (Performance Standards), 9.012 (Administrative Policies for Authorities), and 11.155(c) (Aquifer Storage Pilot Project Reports), Water Code.

SECTION 10. (a) Provides that the terms of public members serving on the council on the effective date of this Act expire on that date.

(b) Requires the governor, as soon as practicable after the effective date of this Act, to appoint four members of the general public to the council as provided by Section 9.002, Water Code, as amended by this Act. Authorizes the governor to reappoint a person who was serving on the council on the effective date of this Act. Requires the newly appointed public members to draw lots to determine which two members serve two-year terms and which two members serve three-year terms.

SECTION 11. Effective date: upon passage or September 1, 2003.