

By: Puente

H.B. No. 3082

Substitute the following for H.B. No. 3082:

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C.S.H.B. No. 3082

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Water Advisory Council.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 9.002 through 9.009, 9.016, and 9.017, Water Code, are amended to read as follows:

Sec. 9.002. CREATION AND MEMBERSHIP. (a) The council is created to provide the governor, lieutenant governor, speaker of the house of representatives, and legislature with the resource of a select council of expertise on state water issues and consists of 15 [~~13~~] members as follows:

(1) the chairman, or a board member designated by the chairman, of the Texas Water Development Board;

(2) the chairman, or a commissioner designated by the chairman, of the commission;

(3) the chairman, or a commissioner designated by the chairman, of the Parks and Wildlife Commission;

(4) the commissioner of agriculture;

(5) the commissioner of the General Land Office;

(6) three members of the house of representatives appointed by the speaker of the house of representatives;

(7) three [~~two~~] members of the senate appointed by the lieutenant governor; and

(8) four [~~three~~] members of the general public appointed by the governor, one representing groundwater

1 management, one representing surface water management, ~~[and]~~ one
2 representing the environmental community, and one representing the
3 coastal region.

4 (b) Except as provided by Subsection (c), council ~~[Council]~~
5 members may not delegate participation or council duties to staff.

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

10 Sec. 9.003. TERMS. (a) Public members serve staggered
11 three-year terms ~~[Except for the commissioner of the General Land~~
12 ~~Office and the commissioner of agriculture, council members who are~~
13 ~~officials of state agencies serve terms as determined by the~~
14 ~~chairman of each agency].~~

15 (b) Public ~~[Council members who are members of the general~~
16 ~~public serve staggered six-year terms with the term of one member~~
17 ~~expiring August 31 of each odd-numbered year.~~

18 ~~[(c) Council]~~ members may be reappointed to serve
19 additional terms.

20 (c) Legislative members serve at the discretion of the
21 original appointing authority.

22 (d) A vacancy on the council shall be filled by appointment
23 by the original appointing authority for the unexpired term.

24 Sec. 9.004. OFFICERS OF THE COUNCIL. (a) The council shall
25 elect a chair from among the legislative members of the council.

26 The ~~[governor shall appoint a council member as the]~~ chair of the
27 council shall serve ~~[for]~~ a two-year term ~~[expiring May 31 of each~~

1 ~~even-numbered year~~].

2 (b) The council shall alternate the selection of the chair
3 every two years between a house and senate council member [~~have a~~
4 ~~secretary of the council who serves at the pleasure of the council~~
5 ~~and is accountable only to the council~~].

6 Sec. 9.005. COUNCIL STAFF. On request by the council, the
7 senate and house standing committees with primary responsibility
8 over water resource management, the commission, the Parks and
9 Wildlife Department, the Department of Agriculture, and the Texas
10 Water Development Board shall provide any staff [~~other than the~~
11 ~~secretary of the council~~] necessary to assist the council in the
12 performance of its duties.

13 Sec. 9.006. MEETINGS. (a) The council shall conduct public
14 meetings at the discretion of the chair at least twice a year [~~meet~~
15 ~~at least once in each calendar quarter~~]. Eight [~~Six~~] members
16 constitute a quorum.

17 (b) The council is subject to Chapters 551 and 2001,
18 Government Code.

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

23 (b) Reimbursement under Subsection (a) is subject to the
24 approval of the council [~~chair~~].

25 Sec. 9.008. POWERS AND DUTIES OF COUNCIL. (a) The
26 governor, lieutenant governor, and speaker of the house of
27 representatives may issue charges to the council on state water

1 issues. The council shall provide recommendations to the governor,
2 lieutenant governor, or speaker of the house of representatives, as
3 appropriate, based on the charges [~~The council shall.~~

4 [~~(1) heighten the level of dialogue on significant~~
5 ~~water policy issues and, in an advisory role only, strive to provide~~
6 ~~focus and recommendations on state water policy initiatives,~~
7 ~~including:~~

8 [~~(A) promoting flexibility and incentives for~~
9 ~~water desalination, brush control, regionalization, weather~~
10 ~~modification projects, and public-private partnerships relating to~~
11 ~~water projects;~~

12 [~~(B) promoting adequate financing for surface~~
13 ~~water and groundwater projects;~~

14 [~~(C) development of water conservation and~~
15 ~~drought management projects;~~

16 [~~(D) implementation of approved regional and~~
17 ~~state water plans;~~

18 [~~(E) encouraging commonality of technical data~~
19 ~~and information such as joint agency studies, freshwater inflow~~
20 ~~recommendations, surface water and groundwater availability~~
21 ~~models, and bay and estuary and instream flow recommendations~~
22 ~~developed by the Parks and Wildlife Department, the commission, and~~
23 ~~the Texas Water Development Board; and~~

24 [~~(F) encouraging the use of supplemental~~
25 ~~environmental projects for water infrastructure needs and~~
26 ~~enhancing the aquatic environment and habitat in enforcement~~
27 ~~proceedings at a state agency or political subdivision;~~

1 ~~[(2) encourage the enhancement and coordination of~~
2 ~~state, interstate, and international efforts to improve~~
3 ~~environmental quality and living conditions along the Texas-Mexico~~
4 ~~border,~~

5 ~~[(3) coordinate a unified state position on federal~~
6 ~~and international water issues, and~~

7 ~~[(4) advise the Texas Water Development Board on~~
8 ~~developing criteria for prioritizing the funding of projects in the~~
9 ~~state water plan].~~

10 (b) If the governor, lieutenant governor, or speaker of the
11 house of representatives does not issue charges to the council, the
12 council may create a list of state water issues and present the list
13 to the governor, lieutenant governor, and speaker of the house of
14 representatives. The governor, lieutenant governor, and speaker of
15 the house of representatives may select a total of not more than
16 four issues from the list. The council shall provide
17 recommendations based on that list.

18 (c) The council may draft and review proposed legislation,
19 for purposes of recommendation only, to communicate specific policy
20 changes that may be needed.

21 (d) The council may request reports from river authorities,
22 surface water authorities, and water districts.

23 (e) The council shall coordinate its efforts with the senate
24 and house standing committees with primary responsibility over
25 water resource management.

26 (f) The council may appoint subcommittees of council
27 members to analyze specific issues within charges to the council or

1 issues selected from the council's list by the governor, lieutenant
2 governor, and speaker of the house of representatives.

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

8 (h) The council may not:

9 (1) adopt rules;

10 (2) regulate water use, water quality, or any other
11 aspect of water resource management;

12 (3) plan or construct water resource projects or have
13 such projects planned or constructed;

14 (4) grant or lend money for the construction of water
15 resource projects;

16 (5) establish water resource management standards or
17 otherwise usurp the authority of or infringe upon the duties,
18 responsibilities, or powers of local, regional, or state water
19 management entities, including groundwater districts, river
20 authorities and compacts, regional water planning groups, or member
21 agencies of the council; or

22 (6) consider or discuss a specific permit or project
23 or recommendation for a project until the water permit has been
24 issued by the state and all motions for rehearing have been
25 overruled.

26 Sec. 9.009. REPORT. (a) The council shall submit a report
27 on its recommendations [~~Not later than December 1 of each~~

1 ~~even-numbered year, the council shall submit a report]~~ to the
2 governor, lieutenant governor, and speaker of the house of
3 representatives and to the senate and house standing committees
4 with primary responsibility over water resource management not
5 later than December 31 each year [~~and financing~~].

6 (b) The report must include recommendations [~~findings of~~]
7 the council made on charges issued by or issues selected from the
8 council's list by the governor, lieutenant governor, and speaker of
9 the house of representatives during the year [~~in the periodic~~
10 ~~reviews of authorities during the preceding two-year period and any~~
11 ~~other findings and recommendations the council considers~~
12 ~~necessary~~].

13 (c) The governor, lieutenant governor, and speaker of the
14 house of representatives may request additional reports on specific
15 charges at any time.

16 (d) The council may request reports from committees
17 established under Sections 9.008(f) and (g).

18 Sec. 9.016. PUBLIC PARTICIPATION. The council shall
19 encourage public participation at council meetings and public input
20 regarding the council's purpose, the exercise of its powers and
21 duties under Section 9.008, and its preparation of the report
22 described in Section 9.009 [~~and its analysis of authorities under~~
23 ~~Sections 9.010 and 9.011~~].

24 Sec. 9.017. DISSOLUTION OF COUNCIL AND ACCOUNT. Unless
25 extended by the 79th [~~78th~~] Texas Legislature, this chapter and the
26 interagency water advisory account expire on December 31 [~~September~~
27 ~~1~~], 2005.

1 SECTION 2. Sections 9.010, 9.011, and 9.012, Water Code,
2 are repealed.

3 SECTION 3. (a) The terms of public members serving on the
4 Texas Water Advisory Council on the effective date of this Act
5 expire on that date.

6 (b) As soon as practicable after the effective date of this
7 Act, the governor shall appoint four members of the general public
8 to the Texas Water Advisory Council as provided by Section 9.002,
9 Water Code, as amended by this Act. The governor may reappoint a
10 person who was serving on the council on the effective date of this
11 Act. The newly appointed public members shall draw lots to
12 determine which two members serve two-year terms and which two
13 members serve three-year terms.

14 SECTION 4. This Act takes effect September 1, 2003.