

BILL ANALYSIS

C.S.H.B. 1032
By: Puente
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 1997, the 76th Legislature passed SB 1 creating a "bottom up" water planning process designed to ensure that the water needs of all Texans are met as Texas enters the 21st century. SB 1 allowed individuals representing interest groups to serve as members of regional planning groups ("planning groups"). There are 16 planning groups in Texas. Planning groups are responsible for deciding how future water needs in their respective region may be met. Regional plans, which are governed by Section 16.053, Water Code, are approved by the Texas Water Development Board (TWDB) and are incorporated in the State Water Plan adopted by the TWDB every five years. Regional water plans are also revised every five years. There are times, however, when planning groups want to amend their plans within the five year window. Because state law does not differentiate between a new plan and an amendment, the planning groups must follow the plan adoption process for even simple amendments, which can be cumbersome.

C.S.H.B. 1032 allows expedited amendments to regional water plans in very limited circumstances - only when it will not result in the over allocation of any existing or planned water source, if it does not relate to a new reservoir, and if it will not have significant effect on instream flows or freshwater inflows to bays and estuaries. The revised amendment process would require the planning groups to post amendments on their agenda for consideration at a planning group meeting and the public would be provided an opportunity to comment on the agenda at the meeting. C.S.H.B 1032 would eliminate the requirement to file an amendment with local newspapers, mailing individual notices, a separate public hearing, and the 30-day comment period. A proposed amendment can only go through the expedited notice process if it is found eligible by the executive administrator of the TWDB. This bill was recommended by the regional water planning groups in their 2006 Regional Water Plans and was included as a TWDB legislative policy recommendation in the 2007 State Water Plan.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Water Development Board in SECTION 1 of this bill.

ANALYSIS

Amends Section 16.053(h), Water Code, by adding new subdivisions (10) and (11). Subdivision (10) provides that the planning groups may amend their plans after the plans have been approved by TWDB. Amendments not covered by the process described in subdivision (11), must follow the process spelled out in subdivisions (1) through (9) (the regular amendment and adoption process).

Subdivision (11) applies to an amendment to a previously approved regional water plan and does not apply to revised regional water plans required under subsection (i) (regular planning cycle updates). Allows a planning group to use the expedited amendment process if the TWDB executive administrator makes a written determination that the proposed amendment qualifies for adoption in the manner provided by this subdivision, before the planning group votes on adoption of the amendment. The proposed amendment qualifies for adoption only if it is a minor amendment, as defined by board rules, that will not result in the over allocation of any existing or planned water source, if it does not relate to a new reservoir, and if it will not have significant effect on instream flows or freshwater inflows to bays and estuaries. If determined eligible by the TWDB executive administrator, the planning group may adopt an amendment at a public

meeting, held in accordance with Chapter 551, Government Code, once it is placed on the agenda and notice of the meeting is given in the manner provided by Chapter 551, Government Code, at least two weeks before the meeting date. The public must be provided an opportunity to comment on the proposed amendment at the public meeting.

EFFECTIVE DATE

Upon passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1032 clarifies that the executive administrator of the TWDB must make a written determination that the proposed amendment qualifies for the adoption as a minor amendment. C.S.H.B. 1032 also requires that minor amendment be defined by TWDB rule.