

BILL ANALYSIS

Senate Research Center

S.B. 2317
By: Averitt
Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 2317 makes changes to the environmental flow processes established by S.B. 3, 80th Legislature, Regular Session, 2007. Specifically, the bill amends the Water Code to require the lieutenant governor to appoint a member of the senate and require the speaker of the house of representatives to appoint a member of the house of representatives to serve as co-presiding officers of the Environmental Flows Advisory Group. The bill also requires members of the science advisory committee and the bay and basin stakeholder committees to be appointed by the Texas Water Development Board and requires conflicts of interest to be considered. Finally, S.B. 2317 adjusts statutory deadlines in response to the date that the environmental processes commenced and prohibits reimbursement for out-of-state travel expenses.

[**Note:** While the statutory reference in this bill is the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

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 Section 11.0236(e), Water Code, as follows:

(e) Requires the lieutenant governor to designate an appointed senator and requires the speaker of the house of representatives to designate an appointed house member to serve together as co-presiding officer of the environmental flows advisory group (advisory group). Deletes existing text providing that the appointed senator and the house member with the most seniority serve together as co-presiding officers of the advisory group.

SECTION 2. Amends Section 11.02361, Water Code, by amending Subsections (a)-(c), and adding Subsection (b-1), as follows:

(a) Provides that the Texas environmental flows science advisory committee (science advisory committee) consists of at least five but not more than nine members appointed by the Texas Water Development Board (TWDB), rather than the advisory group.

(b) Makes a conforming change.

(b-1) Requires TWDB, in making an appointment under this section, to ensure that the appointee to the science advisory committee is not disqualified from service on the committee under provisions of state law that apply to such appointees, including provisions regarding conflicts of interest.

(c) Provides that members of the science advisory committee serve five-year terms expiring March 1. Provides that a vacancy on the science advisory committee is filled by appointment by TWDB, rather than the co-presiding officers of the advisory group, for the unexpired term.

SECTION 3. Amends Section 11.02362, Water Code, by amending Subsections (c), (d), (f), and (g) and adding Subsections (f-1) and (i-1), as follows:

(c) Requires the basin and bay expert science team, for the river basin and bay systems listed in Subsection (b)(1) (relating to the river basin and bay system consisting of the Trinity and San Jacinto Rivers and Galveston Bay and the river basin and bay system consisting of the Sabine and Neches Rivers and Sabine Lake Bay), to finalize environmental flow regime recommendations and submit them to the basin and bay area stakeholders committee, the advisory group, and the Texas Natural Resource Conservation Commission (TNRCC) not later than December 1, rather than March 1, 2009, except that at the request of the basin and bay area stakeholders committee for good cause shown, the advisory group is authorized to extend the deadline provided by this subdivision; the basin and bay area stakeholders committee shall submit to TNRCC its comments on and recommendations regarding the basin and bay expert science team's recommended environmental flow regime not later than June 1, 2010, rather than September 1, 2009; and TNRCC is required to adopt the environmental flow standards as provided by Section 11.1471 (Environmental Flow Standards and Set-Asides) not later than June 1, 2011, rather than September 1, 2010.

(d) Requires the advisory group to appoint the basin and bay area stakeholders committees for the river basin and bay systems listed in Subsection (b)(2) (relating to the river basin and bay system consisting of the Colorado and Lavaca Rivers and Matagorda and Lavaca Bays and the river basin and bay system consisting of the Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bays) not later than June 1, 2009, rather than September 1, 2008, and to appoint the basin and bay area stakeholders committees for the river basin and bay systems listed in Subsection (b)(3) (relating to the river basin and bay system consisting of the Nueces River and Corpus Christi and Baffin Bays, the river basin and bay system consisting of the Rio Grande, the Rio Grande estuary, and the Lower Laguna Madre, and the Brazos River and its associated bay and estuary system) not later than June 1, 2010, rather than September 1, 2009.

(f) Makes a conforming change.

(f-1) Requires TWBD, in appointing a member to a basin and bay area stakeholders committee, to ensure that the appointee is not disqualified from service on the committee under provisions of state law that apply to such appointees, including provisions regarding conflicts of interest.

(g) Requires TWBD, on the expiration of a member's term, to make an appointment to the committee in accordance with Subsections (f) (relating to TWBD appointing a basin and bay area stakeholders committee) and (f-1).

(i-1) Requires the basin and bay area stakeholders committee, in appointing a member to a basin and bay expert science team, to ensure that the appointee is not disqualified from service on the team under provisions of state law that apply to such appointees, including provisions regarding conflicts of interest.

SECTION 4. Amends Section 15.4063, Water Code, as follows:

Sec. 15.4063. ENVIRONMENTAL FLOWS FUNDING. Authorizes the board to authorize the use of money in the research and planning fund to compensate the members of the science advisory committee established under Section 11.02361 for attendance and participation at meetings of the science advisory committee and for transportation, meals, lodging, or other travel expenses other than out-of-state travel expenses associated with attendance at those meetings as provided by the General Appropriations Act. Makes a conforming change.

SECTION 5. Provides that the changes in law made by this Act to Sections 11.02361 and 11.02362, Water Code, in the appointment and qualifications of members of the science advisory committee, a basin and bay area stakeholders committee, and a basin and bay expert science

team do not affect the entitlement of a member serving on a committee or team immediately before the effective date of this Act to continue to serve and function as a member of the committee or team for the remainder of the member's term. Provides that those changes in law apply only to a member appointed on or after the effective date of this Act.

SECTION 6. Effective date: September 1, 2009.