

1-1 By: Callegari (Senate Sponsor - Averitt) H.B. No. 3526
1-2 (In the Senate - Received from the House May 8, 2009;
1-3 May 8, 2009, read first time and referred to Committee on Natural
1-4 Resources; May 23, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3526 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the powers and duties of the Texas Water Development
1-11 Board and related entities, including the funding of projects by
1-12 the board and the composition, duties, recommendations, and
1-13 expenses of entities created to study and provide advice regarding
1-14 environmental flows.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 ARTICLE 1. ADOPTION OF RULES BY THE TEXAS WATER DEVELOPMENT BOARD
1-17 REGARDING SUPPLEMENTAL FUNDING RESULTING FROM FEDERAL ECONOMIC
1-18 RECOVERY LEGISLATION

1-19 SECTION 1.01. Section 15.604(b), Water Code, is amended to
1-20 read as follows:

1-21 (b) The board shall adopt rules specifying the manner in
1-22 which any additional state revolving fund hereafter established by
1-23 the board, or any capitalization grant under the state water
1-24 pollution control revolving fund, the safe drinking water revolving
1-25 fund, or any additional state revolving fund, may be used to provide
1-26 financial assistance to an eligible applicant [political
1-27 subdivisions] for public works. Such rules shall require financial
1-28 assistance to be provided for the purpose or purposes and on the
1-29 terms authorized by the federal legislation or federal agency
1-30 program under which the additional state revolving fund was
1-31 established or the capitalization grant was awarded.

1-32 SECTION 1.02. Subchapter J, Chapter 15, Water Code, is
1-33 amended by adding Section 15.6055 to read as follows:

1-34 Sec. 15.6055. RULEMAKING AUTHORITY FOR SPECIAL FEDERAL
1-35 CAPITALIZATION GRANTS. (a) The board may adopt rules specifying
1-36 the manner in which any special capitalization grant under the
1-37 state water pollution control revolving fund, the safe drinking
1-38 water revolving fund, or any additional state revolving fund
1-39 received as a result of federal economic recovery legislation may
1-40 be used to provide financial assistance to an eligible applicant
1-41 for public works. The rules must require financial assistance to be
1-42 provided for the purpose or purposes, and on the terms authorized
1-43 by, the federal legislation or federal agency program under which
1-44 the additional state revolving fund was established or the special
1-45 capitalization grant was awarded.

1-46 (b) If the board determines that it is necessary to adopt
1-47 rules to comply with the terms of a special capitalization grant or
1-48 other source of federal funding, and that the procedures prescribed
1-49 by Subchapter B, Chapter 2001, Government Code, for adopting rules
1-50 do not allow for the adoption of the rules in a sufficiently prompt
1-51 manner, the procedures prescribed by that subchapter do not apply
1-52 to the adoption of the rules. In that case, the board shall:

1-53 (1) post notice of a meeting to adopt rules not later
1-54 than 72 hours before the time the meeting is scheduled; and

1-55 (2) adopt the necessary rules at the meeting.

1-56 (c) The board shall file a rule adopted in the manner
1-57 authorized by Subsection (b) and the board's written determinations
1-58 made under that subsection in the office of the secretary of state
1-59 for publication in the Texas Register in the manner prescribed by
1-60 Chapter 2002, Government Code.

1-61 (d) Not later than the 180th day after the date rules are
1-62 adopted under Subsection (b), the board may readopt or amend the
1-63 rules in accordance with the procedures prescribed by Subchapter B,

2-1 Chapter 2001, Government Code. If the board does not readopt or
2-2 amend the rules in that manner, the rules expire on the 180th day
2-3 after the date the rules were adopted under Subsection (b).

2-4 (e) This section expires September 1, 2011.

2-5 ARTICLE 2. TEXAS WATER DEVELOPMENT BOARD SURVEYS FOR WATER
2-6 INFRASTRUCTURE FINANCING

2-7 SECTION 2.01. Section 15.975, Water Code, is amended by
2-8 adding Subsection (d) to read as follows:

2-9 (d) The board may not approve an application if the
2-10 applicant has failed to satisfactorily complete a request by the
2-11 executive administrator or a regional planning group for
2-12 information relevant to the project, including a water
2-13 infrastructure financing survey under Section 16.053(q).

2-14 SECTION 2.02. Section 15.912, Water Code, is amended to
2-15 read as follows:

2-16 Sec. 15.912. CONSIDERATIONS IN ACTING ON APPLICATION.

2-17 (a) In acting on an application for financial assistance, the
2-18 board shall consider:

2-19 (1) the needs of the area to be served by the project
2-20 and the benefit of the project to the area in relation to the needs
2-21 of other areas requiring state assistance in any manner and the
2-22 benefits of those projects to the other areas;

2-23 (2) the availability of revenue to the political
2-24 subdivision or water supply corporation from all sources for any
2-25 necessary repayment of the cost of the project, including all
2-26 interest;

2-27 (3) the relationship of the project to overall
2-28 statewide needs; and

2-29 (4) any other factors that the board considers
2-30 relevant.

2-31 (b) The board may not accept an application for a loan or
2-32 grant of financial assistance from the fund for a project
2-33 recommended through the state and regional water planning processes
2-34 under Sections 16.051 and 16.053 if the applicant has failed to
2-35 satisfactorily complete a request by the executive administrator or
2-36 a regional planning group for information relevant to the project,
2-37 including a water infrastructure financing survey under Section
2-38 16.053(q).

2-39 SECTION 2.03. Section 16.131, Water Code, is amended to
2-40 read as follows:

2-41 Sec. 16.131. AUTHORIZED PROJECTS. (a) The board may use
2-42 the state participation account of the development fund to
2-43 encourage optimum regional development of projects including the
2-44 design, acquisition, lease, construction, reconstruction,
2-45 development, or enlargement in whole or part of:

2-46 (1) reservoirs and storm water retention basins for
2-47 water supply, flood protection, and groundwater recharge;

2-48 (2) facilities for the transmission and treatment of
2-49 water; and

2-50 (3) treatment works as defined by Section 17.001 [~~of~~
2-51 ~~this code~~].

2-52 (b) The board may not use the state participation account of
2-53 the development fund to finance a project recommended through the
2-54 state and regional water planning processes under Sections 16.051
2-55 and 16.053 if the applicant has failed to satisfactorily complete a
2-56 request by the executive administrator or a regional planning group
2-57 for information relevant to the project, including a water
2-58 infrastructure financing survey under Section 16.053(q).

2-59 ARTICLE 3. COMPOSITION, DUTIES, RECOMMENDATIONS, AND EXPENSES OF
2-60 CERTAIN ENTITIES CREATED TO STUDY AND PROVIDE ADVICE REGARDING
2-61 ENVIRONMENTAL FLOWS

2-62 SECTION 3.01. Subsections (e) and (j), Section 11.0236,
2-63 Water Code, are amended to read as follows:

2-64 (e) The lieutenant governor shall designate an appointed
2-65 senator [with the most seniority] and the speaker of the house of
2-66 representatives shall designate an [the] appointed house member to
2-67 [with the most seniority] serve together as co-presiding officers
2-68 of the advisory group.

2-69 (j) The advisory group may adopt rules, procedures, and

3-1 policies as needed to administer this section, to implement its
3-2 responsibilities, and to exercise its authority under Sections
3-3 11.02361 and 11.02362. The advisory group may submit comments
3-4 regarding environmental flows to the board, the commission, or the
3-5 Parks and Wildlife Department at any time.

3-6 SECTION 3.02. Section 11.02361, Water Code, is amended by
3-7 amending Subsections (a), (b), (c), and (f) and adding Subsection
3-8 (b-1) to read as follows:

3-9 (a) The Texas environmental flows science advisory
3-10 committee consists of at least five but not more than nine members
3-11 appointed by the board [~~advisory group~~].

3-12 (b) The board, after consulting with the advisory group, the
3-13 commission, and the Parks and Wildlife Department, shall appoint to
3-14 the science advisory committee persons who will provide an
3-15 objective perspective and diverse technical expertise, including
3-16 expertise in hydrology, hydraulics, water resources, aquatic and
3-17 terrestrial biology, geomorphology, geology, water quality,
3-18 computer modeling, and other technical areas pertinent to the
3-19 evaluation of environmental flows.

3-20 (b-1) In making an appointment under this section, the board
3-21 shall ensure that the appointee to the science advisory committee
3-22 is not disqualified from service on the committee under provisions
3-23 of state law that apply to such appointees, including provisions
3-24 regarding conflicts of interest.

3-25 (c) Members of the science advisory committee serve
3-26 five-year terms expiring March 1. A vacancy on the science advisory
3-27 committee is filled by appointment by the board [~~co-presiding~~
3-28 ~~officers of the advisory group~~] for the unexpired term.

3-29 (f) To assist the board [~~advisory group~~] to assess the
3-30 extent to which the recommendations of the science advisory
3-31 committee are considered and implemented, the commission and [7]
3-32 the Parks and Wildlife Department[, and the board] shall provide
3-33 written reports to the board and the advisory group, at intervals
3-34 determined by the board [~~advisory group~~], that describe:

3-35 (1) the actions taken by each agency in response to
3-36 each recommendation; and

3-37 (2) for each recommendation not implemented, the
3-38 reason it was not implemented.

3-39 SECTION 3.03. Section 11.02362, Water Code, is amended by
3-40 amending Subsections (c), (d), (e), (f), (g), (n), (o), (p), and (q)
3-41 and adding Subsections (d-1), (f-1), (i-1), and (q-1) to read as
3-42 follows:

3-43 (c) For the river basin and bay systems listed in Subsection
3-44 (b)(1):

3-45 (1) the board, after consulting with the advisory
3-46 group, the commission, and the Parks and Wildlife Department, shall
3-47 appoint the basin and bay area stakeholders committee not later
3-48 than November 1, 2007;

3-49 (2) the basin and bay area stakeholders committee
3-50 shall establish a basin and bay expert science team not later than
3-51 March 1, 2008;

3-52 (3) the basin and bay expert science team shall
3-53 finalize environmental flow regime recommendations and submit them
3-54 to the basin and bay area stakeholders committee, the board, the
3-55 advisory group, [and] the commission, and the Parks and Wildlife
3-56 Department not later than March 1, 2010 [~~2009~~], except that at the
3-57 request of the basin and bay area stakeholders committee for good
3-58 cause shown, the board [~~advisory group~~] may extend the deadline
3-59 provided by this subdivision;

3-60 (4) the basin and bay area stakeholders committee
3-61 shall submit to the board, the advisory group, the commission, and
3-62 the Parks and Wildlife Department its comments on and
3-63 recommendations regarding the basin and bay expert science team's
3-64 recommended environmental flow regime not later than September 1,
3-65 2010 [~~2009~~]; [~~and~~]

3-66 (5) if appropriate, the board shall submit to the
3-67 commission its comments on the environmental flow analyses and
3-68 environmental flow regime recommendations submitted by the basin
3-69 and bay expert science team not later than six months after the date

4-1 of receipt of the analyses and recommendations as provided by
4-2 Subsection (q); and
4-3 (6) the commission shall adopt the environmental flow
4-4 standards as provided by Section 11.1471 not later than September
4-5 1, 2011 [2010].
4-6 (d) For the river basin and bay systems listed in Subsection
4-7 (b)(2):
4-8 (1) the board, after consulting with the [The]
4-9 advisory group, the commission, and the Parks and Wildlife
4-10 Department, shall appoint the basin and bay area stakeholders
4-11 committee [committees for the river basin and bay systems listed in
4-12 Subsection (b)(2)] not later than November [September] 1, 2009;
4-13 (2) the basin and bay area stakeholders committee
4-14 shall establish a basin and bay expert science team not later than
4-15 March 1, 2010;
4-16 (3) the basin and bay expert science team shall
4-17 finalize environmental flow regime recommendations and submit them
4-18 to the basin and bay area stakeholders committee, the board, the
4-19 advisory group, the commission, and the Parks and Wildlife
4-20 Department not later than July 1, 2011, except that at the request
4-21 of the basin and bay area stakeholders committee for good cause
4-22 shown, the board may extend the deadline provided by this
4-23 subdivision;
4-24 (4) the basin and bay area stakeholders committee
4-25 shall submit to the board, the advisory group, the commission, and
4-26 the Parks and Wildlife Department its comments on and
4-27 recommendations regarding the basin and bay expert science team's
4-28 recommended environmental flow regime not later than February 1,
4-29 2012;
4-30 (5) if appropriate, the board shall submit to the
4-31 commission its comments on the environmental flow analyses and
4-32 environmental flow regime recommendations submitted by the basin
4-33 and bay expert science team not later than six months after the date
4-34 of receipt of the analyses and recommendations as provided by
4-35 Subsection (q); and
4-36 (6) the commission shall adopt the environmental flow
4-37 standards as provided by Section 11.1471 not later than February 1,
4-38 2013 [2008, and shall appoint the basin and bay area stakeholders
4-39 committees for the river basin and bay systems listed in Subsection
4-40 (b)(3) not later than September 1, 2009. The advisory group shall
4-41 establish a schedule for the performance of the tasks listed in
4-42 Subsections (c)(2) through (5) with regard to the river basin and
4-43 bay systems listed in Subsections (b)(2) and (3) that will result in
4-44 the adoption of environmental flow standards for that river basin
4-45 and bay system by the commission as soon as is reasonably possible.
4-46 Each basin and bay area stakeholders committee and basin and bay
4-47 expert science team for a river basin and bay system listed in
4-48 Subsection (b)(2) or (3) shall make recommendations to the advisory
4-49 group with regard to the schedule applicable to that river basin and
4-50 bay system. The advisory group shall consider the recommendations
4-51 of the basin and bay area stakeholders committee and basin and bay
4-52 expert science team as well as coordinate with, and give
4-53 appropriate consideration to the recommendations of, the
4-54 commission, the Parks and Wildlife Department, and the board in
4-55 establishing the schedule].
4-56 (d-1) For the river basin and bay systems listed in
4-57 Subsection (b)(3):
4-58 (1) the board, after consulting with the advisory
4-59 group, the commission, and the Parks and Wildlife Department, shall
4-60 appoint the basin and bay area stakeholders committee not later
4-61 than November 1, 2010;
4-62 (2) the basin and bay area stakeholders committee
4-63 shall establish a basin and bay expert science team not later than
4-64 March 1, 2011;
4-65 (3) the basin and bay expert science team shall
4-66 finalize environmental flow regime recommendations and submit them
4-67 to the basin and bay area stakeholders committee, the board, the
4-68 advisory group, the commission, and the Parks and Wildlife
4-69 Department not later than July 1, 2012, except that at the request

5-1 of the basin and bay area stakeholders committee for good cause
 5-2 shown, the board may extend the deadline provided by this
 5-3 subdivision;

5-4 (4) the basin and bay area stakeholders committee
 5-5 shall submit to the board, the advisory group, the commission, and
 5-6 the Parks and Wildlife Department its comments on and
 5-7 recommendations regarding the basin and bay expert science team's
 5-8 recommended environmental flow regime not later than February 1,
 5-9 2013;

5-10 (5) if appropriate, the board shall submit to the
 5-11 commission its comments on the environmental flow analyses and
 5-12 environmental flow regime recommendations submitted by the basin
 5-13 and bay expert science team not later than six months after the date
 5-14 of receipt of the analyses and recommendations as provided by
 5-15 Subsection (q); and

5-16 (6) the commission shall adopt the environmental flow
 5-17 standards as provided by Section 11.1471 not later than February 1,
 5-18 2014.

5-19 (e) For a river basin and bay system or a river basin that
 5-20 does not have an associated bay system in this state not listed in
 5-21 Subsection (b), the board ~~[advisory group]~~ shall establish a
 5-22 schedule for the development of environmental flow regime
 5-23 recommendations and the adoption of environmental flow standards.
 5-24 The board ~~[advisory group]~~ shall develop the schedule in
 5-25 consultation with the commission, the Parks and Wildlife
 5-26 Department, the advisory group ~~[board]~~, and the pertinent basin and
 5-27 bay area stakeholders committee and basin and bay expert science
 5-28 team. The board ~~[advisory group]~~ may, on its own initiative or on
 5-29 request, modify a schedule established under this subsection to be
 5-30 more responsive to particular circumstances, local desires,
 5-31 changing conditions, or time-sensitive conflicts. This subsection
 5-32 does not prohibit, in a river basin and bay system for which the
 5-33 board ~~[advisory group]~~ has not yet established a schedule for the
 5-34 development of environmental flow regime recommendations and the
 5-35 adoption of environmental flow standards, an effort to develop
 5-36 information on environmental flow needs and ways in which those
 5-37 needs can be met by a voluntary consensus-building process.

5-38 (f) The board, after consulting with the advisory group, the
 5-39 commission, and the Parks and Wildlife Department, shall appoint a
 5-40 basin and bay area stakeholders committee for each river basin and
 5-41 bay system in this state for which a schedule for the development of
 5-42 environmental flow regime recommendations and the adoption of
 5-43 environmental flow standards is specified by or established under
 5-44 Subsection (c), (d), (d-1), or (e). Chapter 2110, Government Code,
 5-45 does not apply to the size, composition, or duration of a basin and
 5-46 bay area stakeholders committee. Each committee must consist of at
 5-47 least 17 members. The membership of each committee must:

5-48 (1) reflect a fair and equitable balance of interest
 5-49 groups concerned with the particular river basin and bay system for
 5-50 which the committee is established; and

5-51 (2) be representative of appropriate stakeholders,
 5-52 including the following if they have a presence in the particular
 5-53 river basin and bay system for which the committee is established:

5-54 (A) agricultural water users, including
 5-55 representatives of each of the following sectors:

5-56 (i) agricultural irrigation;
 5-57 (ii) free-range livestock; and
 5-58 (iii) concentrated animal feeding
 5-59 operation;

5-60 (B) recreational water users, including coastal
 5-61 recreational anglers and businesses supporting water recreation;

5-62 (C) municipalities;

5-63 (D) soil and water conservation districts;

5-64 (E) industrial water users, including
 5-65 representatives of each of the following sectors:

5-66 (i) refining;
 5-67 (ii) chemical manufacturing;
 5-68 (iii) electricity generation; and
 5-69 (iv) production of paper products or

6-1 timber;

6-2 (F) commercial fishermen;

6-3 (G) public interest groups;

6-4 (H) regional water planning groups;

6-5 (I) groundwater conservation districts;

6-6 (J) river authorities and other conservation and
6-7 reclamation districts with jurisdiction over surface water; and

6-8 (K) environmental interests.

6-9 (f-1) In appointing a member to a basin and bay area
6-10 stakeholders committee, the board shall ensure that the appointee
6-11 is not disqualified from service on the committee under provisions
6-12 of state law that apply to such appointees, including provisions
6-13 regarding conflicts of interest.

6-14 (g) Members of a basin and bay area stakeholders committee
6-15 serve five-year terms expiring March 1. On the expiration of a
6-16 member's term, the board shall make an appointment to the committee
6-17 in accordance with Subsections (f) and (f-1). If a vacancy occurs
6-18 on a committee, the remaining members of the committee by majority
6-19 vote shall appoint a member to serve the remainder of the unexpired
6-20 term.

6-21 (i-1) In appointing a member to a basin and bay expert
6-22 science team, the basin and bay area stakeholders committee shall
6-23 ensure that the appointee is not disqualified from service on the
6-24 team under provisions of state law that apply to such appointees,
6-25 including provisions regarding conflicts of interest.

6-26 (n) Each basin and bay expert science team shall submit its
6-27 environmental flow analyses and environmental flow regime
6-28 recommendations to the pertinent basin and bay area stakeholders
6-29 committee, the board, the advisory group, ~~and~~ the commission, and
6-30 the Parks and Wildlife Department in accordance with the applicable
6-31 schedule specified by or established under Subsection (c), (d),
6-32 (d-1), or (e). The basin and bay area stakeholders committee and
6-33 the board ~~advisory group~~ may not change the environmental flow
6-34 analyses or environmental flow regime recommendations of the basin
6-35 and bay expert science team.

6-36 (o) Each basin and bay area stakeholders committee shall
6-37 review the environmental flow analyses and environmental flow
6-38 regime recommendations submitted by the committee's basin and bay
6-39 expert science team and shall consider them in conjunction with
6-40 other factors, including the present and future needs for water for
6-41 other uses related to water supply planning in the pertinent river
6-42 basin and bay system. For the Rio Grande, the basin and bay area
6-43 stakeholders committee shall also consider the water accounting
6-44 requirements for any international water sharing treaty, minutes,
6-45 and agreement applicable to the Rio Grande and the effects on
6-46 allocation of water by the Rio Grande watermaster in the middle and
6-47 lower Rio Grande. The Rio Grande basin and bay expert science team
6-48 may not recommend any environmental flow regime that would result
6-49 in a violation of a treaty or court decision. The basin and bay area
6-50 stakeholders committee shall develop recommendations regarding
6-51 environmental flow standards and strategies to meet the
6-52 environmental flow standards and submit those recommendations to
6-53 the commission, the board, ~~and to~~ the advisory group, and the
6-54 Parks and Wildlife Department in accordance with the applicable
6-55 schedule specified by or established under Subsection (c), (d),
6-56 (d-1), or (e). In developing its recommendations, the basin and bay
6-57 area stakeholders committee shall operate on a consensus basis to
6-58 the maximum extent possible.

6-59 (p) In recognition of the importance of adaptive
6-60 management, after submitting its recommendations regarding
6-61 environmental flow standards and strategies to meet the
6-62 environmental flow standards to the commission, each basin and bay
6-63 area stakeholders committee, with the assistance of the pertinent
6-64 basin and bay expert science team, shall prepare and submit for
6-65 approval by the board ~~advisory group~~ a work plan. The work plan
6-66 must:

6-67 (1) establish a periodic review of the basin and bay
6-68 environmental flow analyses and environmental flow regime
6-69 recommendations, environmental flow standards, and strategies, to

7-1 occur at least once every 10 years;

7-2 (2) prescribe specific monitoring, studies, and

7-3 activities; and

7-4 (3) establish a schedule for continuing the validation

7-5 or refinement of the basin and bay environmental flow analyses and

7-6 environmental flow regime recommendations, the environmental flow

7-7 standards adopted by the commission, and the strategies to achieve

7-8 those standards.

7-9 (q) In accordance with the applicable schedule specified by

7-10 or established under Subsection (c), (d), (d-1), or (e), the board

7-11 ~~[advisory group]~~, with input from the science advisory committee,

7-12 shall review the environmental flow analyses and environmental flow

7-13 regime recommendations submitted by each basin and bay expert

7-14 science team. If appropriate, the board ~~[advisory group]~~ shall

7-15 submit comments on the analyses and recommendations to the

7-16 commission for use by the commission in adopting rules under

7-17 Section 11.1471. Comments must be submitted not later than six

7-18 months after the date of receipt of the analyses and

7-19 recommendations.

7-20 (q-1) In performing its duties and exercising its authority

7-21 related to environmental flows under this section or other law, the

7-22 board shall consult with the advisory group.

7-23 SECTION 3.04. Subsection (b), Section 11.1471, Water Code,

7-24 is amended to read as follows:

7-25 (b) In adopting environmental flow standards for a river

7-26 basin and bay system under Subsection (a)(1), the commission shall

7-27 consider:

7-28 (1) the definition of the geographical extent of the

7-29 river basin and bay system adopted by the advisory group under

7-30 Section 11.02362(a) and the definition and designation of the river

7-31 basin by the board under Section 16.051(c);

7-32 (2) the schedule established by the board ~~[advisory~~

7-33 ~~group]~~ under Section 11.02362(d) or (e) for the adoption of

7-34 environmental flow standards for the river basin and bay system, if

7-35 applicable;

7-36 (3) the environmental flow analyses and the

7-37 recommended environmental flow regime developed by the applicable

7-38 basin and bay expert science team under Section 11.02362(m);

7-39 (4) the recommendations developed by the applicable

7-40 basin and bay area stakeholders committee under Section 11.02362(o)

7-41 regarding environmental flow standards and strategies to meet the

7-42 flow standards;

7-43 (5) any comments submitted by the board ~~[advisory~~

7-44 ~~group]~~ to the commission under Section 11.02362(q);

7-45 (6) the specific characteristics of the river basin

7-46 and bay system;

7-47 (7) economic factors;

7-48 (8) the human and other competing water needs in the

7-49 river basin and bay system;

7-50 (9) all reasonably available scientific information,

7-51 including any scientific information provided by the science

7-52 advisory committee; and

7-53 (10) any other appropriate information.

7-54 SECTION 3.05. Section 15.4063, Water Code, is amended to

7-55 read as follows:

7-56 Sec. 15.4063. ENVIRONMENTAL FLOWS FUNDING. The board may

7-57 authorize the use of money in the research and planning fund:

7-58 (1) to compensate the members of the Texas

7-59 environmental flows science advisory committee established under

7-60 Section 11.02361 for attendance and participation at meetings of

7-61 the committee and for transportation, meals, lodging, or other

7-62 travel expenses other than out-of-state travel expenses associated

7-63 with attendance at those meetings as provided by the General

7-64 Appropriations Act;

7-65 (2) for contracts with cooperating state and federal

7-66 agencies and universities and with private entities as necessary to

7-67 provide technical assistance to enable the Texas environmental

7-68 flows science advisory committee and the basin and bay expert

7-69 science teams established under Section 11.02362 to perform their

8-1 statutory duties;
8-2 (3) to compensate the members of the basin and bay
8-3 expert science teams established under Section 11.02362 for
8-4 attendance and participation at meetings of the basin and bay
8-5 expert science teams and for transportation, meals, lodging, or
8-6 other travel expenses other than out-of-state travel expenses
8-7 associated with attendance at those meetings as provided by the
8-8 General Appropriations Act; and

8-9 (4) for contracts with political subdivisions
8-10 designated as representatives of basin and bay area stakeholders
8-11 committees established under Section 11.02362 to fund all or part
8-12 of the administrative expenses incurred in conducting meetings of
8-13 the basin and bay area stakeholders committees or the pertinent
8-14 basin and bay expert science teams.

8-15 SECTION 3.06. The changes in law made by this article to
8-16 Sections 11.02361 and 11.02362, Water Code, in the appointment and
8-17 qualifications of members of the Texas environmental flows science
8-18 advisory committee, a basin and bay area stakeholders committee,
8-19 and a basin and bay expert science team do not affect the
8-20 entitlement of a member serving on a committee or team immediately
8-21 before the effective date of this article to continue to serve and
8-22 function as a member of the committee or team for the remainder of
8-23 the member's term. Those changes in law apply only to a member
8-24 appointed on or after the effective date of this article.

8-25 SECTION 3.07. This article takes effect September 1, 2009.

8-26 ARTICLE 4. EFFECTIVE DATE

8-27 SECTION 4.01. Except as otherwise provided by this Act:

8-28 (1) this Act takes effect immediately if it receives a
8-29 vote of two-thirds of all the members elected to each house, as
8-30 provided by Section 39, Article III, Texas Constitution; and

8-31 (2) if this Act does not receive the vote necessary for
8-32 immediate effect, this Act takes effect September 1, 2009.

8-33 * * * * *