

By: Averitt

S.B. No. 2317

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the composition, duties, and expenses of certain  
3 entities created to study and provide advice regarding  
4 environmental flows.

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

6 SECTION 1. Subsection (e), Section 11.0236, Water Code, is  
7 amended to read as follows:

8 (e) The lieutenant governor shall designate an appointed  
9 senator [~~with the most seniority~~] and the speaker of the house of  
10 representatives shall designate an [the] appointed house member to  
11 [~~with the most seniority~~] serve together as co-presiding officers  
12 of the advisory group.

13 SECTION 2. Section 11.02361, Water Code, is amended by  
14 amending Subsections (a), (b), and (c) and adding Subsection (b-1)  
15 to read as follows:

16 (a) The Texas environmental flows science advisory  
17 committee consists of at least five but not more than nine members  
18 appointed by the board [~~advisory group~~].

19 (b) The board [~~advisory group~~] shall appoint to the science  
20 advisory committee persons who will provide an objective  
21 perspective and diverse technical expertise, including expertise  
22 in hydrology, hydraulics, water resources, aquatic and terrestrial  
23 biology, geomorphology, geology, water quality, computer modeling,  
24 and other technical areas pertinent to the evaluation of

1 environmental flows.

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

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

11 SECTION 3. Section 11.02362, Water Code, is amended by  
12 amending Subsections (c), (d), (f), and (g) and adding Subsections  
13 (f-1) and (i-1) to read as follows:

14 (c) For the river basin and bay systems listed in Subsection  
15 (b)(1):

16 (1) the advisory group shall appoint the basin and bay  
17 area stakeholders committee not later than November 1, 2007;

18 (2) the basin and bay area stakeholders committee  
19 shall establish a basin and bay expert science team not later than  
20 March 1, 2008;

21 (3) the basin and bay expert science team shall  
22 finalize environmental flow regime recommendations and submit them  
23 to the basin and bay area stakeholders committee, the advisory  
24 group, and the commission not later than December 1 [~~March 1~~], 2009,  
25 except that at the request of the basin and bay area stakeholders  
26 committee for good cause shown, the advisory group may extend the  
27 deadline provided by this subdivision;

1           (4) the basin and bay area stakeholders committee  
2 shall submit to the commission its comments on and recommendations  
3 regarding the basin and bay expert science team's recommended  
4 environmental flow regime not later than June 1, 2010 [~~September 1,~~  
5 ~~2009~~]; and

6           (5) the commission shall adopt the environmental flow  
7 standards as provided by Section 11.1471 not later than June 1, 2011  
8 [~~September 1, 2010~~].

9           (d) The advisory group shall appoint the basin and bay area  
10 stakeholders committees for the river basin and bay systems listed  
11 in Subsection (b)(2) not later than June 1, 2009 [~~September 1,~~  
12 ~~2008~~], and shall appoint the basin and bay area stakeholders  
13 committees for the river basin and bay systems listed in Subsection  
14 (b)(3) not later than June 1, 2010 [~~September 1, 2009~~]. The  
15 advisory group shall establish a schedule for the performance of  
16 the tasks listed in Subsections (c)(2) through (5) with regard to  
17 the river basin and bay systems listed in Subsections (b)(2) and (3)  
18 that will result in the adoption of environmental flow standards  
19 for that river basin and bay system by the commission as soon as is  
20 reasonably possible. Each basin and bay area stakeholders  
21 committee and basin and bay expert science team for a river basin  
22 and bay system listed in Subsection (b)(2) or (3) shall make  
23 recommendations to the advisory group with regard to the schedule  
24 applicable to that river basin and bay system. The advisory group  
25 shall consider the recommendations of the basin and bay area  
26 stakeholders committee and basin and bay expert science team as  
27 well as coordinate with, and give appropriate consideration to the

1 recommendations of, the commission, the Parks and Wildlife  
2 Department, and the board in establishing the schedule.

3 (f) The board [~~advisory group~~] shall appoint a basin and bay  
4 area stakeholders committee for each river basin and bay system in  
5 this state for which a schedule for the development of  
6 environmental flow regime recommendations and the adoption of  
7 environmental flow standards is specified by or established under  
8 Subsection (c), (d), or (e). Chapter 2110, Government Code, does  
9 not apply to the size, composition, or duration of a basin and bay  
10 area stakeholders committee. Each committee must consist of at  
11 least 17 members. The membership of each committee must:

12 (1) reflect a fair and equitable balance of interest  
13 groups concerned with the particular river basin and bay system for  
14 which the committee is established; and

15 (2) be representative of appropriate stakeholders,  
16 including the following if they have a presence in the particular  
17 river basin and bay system for which the committee is established:

18 (A) agricultural water users, including  
19 representatives of each of the following sectors:

20 (i) agricultural irrigation;

21 (ii) free-range livestock; and

22 (iii) concentrated animal feeding  
23 operation;

24 (B) recreational water users, including coastal  
25 recreational anglers and businesses supporting water recreation;

26 (C) municipalities;

27 (D) soil and water conservation districts;

1 (E) industrial water users, including  
2 representatives of each of the following sectors:

- 3 (i) refining;  
4 (ii) chemical manufacturing;  
5 (iii) electricity generation; and  
6 (iv) production of paper products or  
7 timber;

8 (F) commercial fishermen;

9 (G) public interest groups;

10 (H) regional water planning groups;

11 (I) groundwater conservation districts;

12 (J) river authorities and other conservation and  
13 reclamation districts with jurisdiction over surface water; and

14 (K) environmental interests.

15 (f-1) In appointing a member to a basin and bay area  
16 stakeholders committee, the board shall ensure that the appointee  
17 is not disqualified from service on the committee under provisions  
18 of state law that apply to such appointees, including provisions  
19 regarding conflicts of interest.

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

27 (i-1) In appointing a member to a basin and bay expert

1 science team, the basin and bay area stakeholders committee shall  
2 ensure that the appointee is not disqualified from service on the  
3 team under provisions of state law that apply to such appointees,  
4 including provisions regarding conflicts of interest.

5 SECTION 4. Section 15.4063, Water Code, is amended to read  
6 as follows:

7 Sec. 15.4063. ENVIRONMENTAL FLOWS FUNDING. The board may  
8 authorize the use of money in the research and planning fund:

9 (1) to compensate the members of the Texas  
10 environmental flows science advisory committee established under  
11 Section 11.02361 for attendance and participation at meetings of  
12 the committee and for transportation, meals, lodging, or other  
13 travel expenses other than out-of-state travel expenses associated  
14 with attendance at those meetings as provided by the General  
15 Appropriations Act;

16 (2) for contracts with cooperating state and federal  
17 agencies and universities and with private entities as necessary to  
18 provide technical assistance to enable the Texas environmental  
19 flows science advisory committee and the basin and bay expert  
20 science teams established under Section 11.02362 to perform their  
21 statutory duties;

22 (3) to compensate the members of the basin and bay  
23 expert science teams established under Section 11.02362 for  
24 attendance and participation at meetings of the basin and bay  
25 expert science teams and for transportation, meals, lodging, or  
26 other travel expenses other than out-of-state travel expenses  
27 associated with attendance at those meetings as provided by the

1 General Appropriations Act; and

2 (4) for contracts with political subdivisions  
3 designated as representatives of basin and bay area stakeholders  
4 committees established under Section 11.02362 to fund all or part  
5 of the administrative expenses incurred in conducting meetings of  
6 the basin and bay area stakeholders committees or the pertinent  
7 basin and bay expert science teams.

8 SECTION 5. The changes in law made by this Act to Sections  
9 11.02361 and 11.02362, Water Code, in the appointment and  
10 qualifications of members of the Texas environmental flows science  
11 advisory committee, a basin and bay area stakeholders committee,  
12 and a basin and bay expert science team do not affect the  
13 entitlement of a member serving on a committee or team immediately  
14 before the effective date of this Act to continue to serve and  
15 function as a member of the committee or team for the remainder of  
16 the member's term. Those changes in law apply only to a member  
17 appointed on or after the effective date of this Act.

18 SECTION 6. This Act takes effect September 1, 2009.