

BILL ANALYSIS

Senate Research Center
83R16676 SMH-F

S.B. 1894
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Natural Resources
4/19/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1894 changes the procedure for review of environmental flow standards and set-asides for river basin and bay systems. Currently, the statute requires the workplan submitted by the basin stakeholder groups to establish a timetable for periodic review of their work, with the periodic review occurring at least once every 10 years. The bill removes the requirement that the stakeholders' workplan include a schedule for periodic review.

As proposed, S.B. 1894 amends current law relating to the procedure for review by the Texas Commission on Environmental Quality and related entities of environmental flow standards and environmental flow set-asides for river basin and bay systems and related matters.

[**Note:** While the statutory reference in this bill is to 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 11.02362(p), Water Code, as follows:

(p) Requires each basin and bay area stakeholders committee, with the assistance of the pertinent basin and bay expert science team in recognition of the importance of adaptive management, after submitting its recommendations regarding environmental flow standards and strategies to meet the environmental flow standards to TNRCC, to prepare and submit for approval by the advisory group a work plan. Requires the work plan to:

(1) prescribe specific monitoring, studies, and activities; and

(2) establish a schedule for continuing the validation or refinement of the basin and bay environmental flow analyses and environmental flow regime recommendations, the environmental flow standards adopted by TNRCC, and the strategies to achieve those standards.

Deletes existing text requiring the work plan to establish a periodic review of the basin and bay environmental flow analyses and environmental flow regime recommendations, environmental flow standards, and strategies, to occur at least once every 10 years. Makes nonsubstantive changes.

SECTION 2. Amends Section 11.1471, Water Code, by amending Subsection (f) and adding Subsection (g), as follows:

(f) Requires TNRCC to provide for the rulemaking process to be undertaken for each river basin and bay system for which environmental flow standards have been adopted not more frequently than every 10 years beginning January 1, 2022, unless TNRCC

determines that the process should be undertaken before that date. Deletes existing text requiring TNRCC, in establishing a schedule, to consider the applicable work plan approved by the advisory group under Section 11.02362(p). Deletes existing text prohibiting TNRCC's schedule from providing for the rulemaking process to occur more frequently than once every 10 years unless the work plan provides for a periodic review under Section 11.02362(p) to occur more frequently than once every 10 years. Deletes existing text authorizing TNRCC, in that event, to provide for the rulemaking process to be undertaken in conjunction with the periodic review if TNRCC determines that schedule to be appropriate.

(g) Requires TNRCC to evaluate the status of the work plans submitted by the basin and bay area stakeholders committees and approved by the advisory group under Section 11.02362(p) in accordance with a schedule established by TNRCC. Requires that TNRCC's schedule provide for the first evaluation of work plan status for each river basin and bay system for which environmental flow standards have been adopted to be performed not later than January 1, 2017, and for subsequent evaluations to be performed every five years thereafter.

SECTION 3. Effective date: September 1, 2013.