

BILL ANALYSIS

H.B. 1378
By: Geren
Natural Resources
Committee Report (Amended)

BACKGROUND AND PURPOSE

H.B.1378 makes changes to several programs administered by the Texas Water Development Board. These changes include the following:

- (1) The 74th Texas Legislature established a pilot program for aquifer storage and recovery, which required the Texas Water Development Board (TWDB) to provide reports every two years to the legislature on the progress of pilot projects for Aquifer Storage and Recovery (ASR) and on results of TWDB studies on ASR potential from various aquifers. TWDB has finished its studies of ASR in a few major state aquifers and is not conducting any other such studies. All pilot projects have been completed, and the report was submitted to the Texas Legislature January 1, 1997. There have been no additional applications for pilot projects to the Texas Commission on Environmental Quality (TCEQ). H.B. 1378 repeals the section of statute requiring these reports.
- (2) The TWDB has instituted organizational changes with regard to responsibilities in the management of its bond fund programs. Three Texas Water Code provisions contain references to "development fund manager." The proposed statutory change deletes the references to "development fund manager" reflecting the existing discretion of the Executive Administrator to organize the agency.
- (3) The original intent of Texas Water Code §16.012(m) was to provide more complete and accurate water use data for the state and regional water planning process. However, the provisions exempting release of the water use surveys submitted by non-governmental entities have caused significant obstructions to the process it was meant to improve. This is especially the case since specific data provided in these water use surveys cannot be released to the Regional Water Planning Groups, their consultants, or other interested parties. The withholding of detailed information that was once freely available makes the process of verifying and evaluating water use and water demands on a regional and local level extremely difficult.
- (4) Additionally, the 77th Texas Legislature requires water rights holders, political subdivisions, and various water suppliers, utilities, irrigation districts, groundwater conservation districts and any persons transporting groundwater or surface water 20 miles or more to provide information to TWDB on water pipelines and other facilities that can be used for water conveyance. Discussions with Regional Water Planning Groups and other stakeholders indicate this information would be of limited value for the state and the regional water planning process and could create concern as it relates to homeland security.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1378 deletes the requirement for the TWDB to provide biennial legislative reports on aquifer storage

and recovery projects. However, joint TCEQ and TWDB reports to the legislature would continue on an as-needed basis as any pilot project is completed, as required by Section 11.155(a), Texas Water Code, which remains in effect. H.B. 1378 also changes references in the Texas Water Code from "development fund manager" to "executive administrator." Further, Texas Water Code §16.012(m) is amended to allow for the release of water use surveys submitted by non-governmental entities which were previously exempted. Finally, the bill eliminates reporting requirements for water pipeline inventory.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect on September 1, 2003.

EXPLANATION OF AMENDMENTS

The amendment inserts language in SECTION 2 to clarify that the executive administrator of the Texas Water Development Board can conduct surveys of water entities using surface or groundwater only for municipal, industrial, power generation or mining purposes. Then, the amendment reproduces §16.053 (e), Texas Water Code, to strike an additional reference to reporting requirements for water pipelines.