

By: Averitt

S.B. No. 3

A BILL TO BE ENTITLED

AN ACT

relating to the development, management, and preservation of the water resources of the state; providing penalties.

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

SECTION 1.01. The heading to Section 5.506, Water Code, is amended to read as follows:

Sec. 5.506. EMERGENCY SUSPENSION OF PERMIT CONDITION RELATING TO, AND EMERGENCY AUTHORITY TO MAKE AVAILABLE WATER SET ASIDE FOR, BENEFICIAL INFLOWS TO AFFECTED BAYS AND ESTUARIES AND INSTREAM USES.

SECTION 1.02. Section 5.506, Water Code, is amended by adding Subsection (a-1) and amending Subsections (b) and (c) to read as follows:

(a-1) State water that is set aside by the commission to meet the needs for freshwater inflows to affected bays and estuaries and instream uses under Section 11.1471(a)(2) may be made available temporarily for other essential beneficial uses if the commission finds that an emergency exists that cannot practically be resolved in another way.

(b) The commission must give written notice of the proposed action [~~suspension~~] to the Parks and Wildlife Department before the commission suspends a permit condition under Subsection (a) or makes water available temporarily under Subsection (a-1) [~~this section~~]. The commission shall give the Parks and Wildlife

1 Department an opportunity to submit comments on the proposed action
2 [~~suspension~~] for a period of 72 hours from receipt of the notice and
3 must consider those comments before issuing an order implementing
4 the proposed action [~~imposing the suspension~~].

5 (c) The commission may suspend a permit condition under
6 Subsection (a) or make water available temporarily under Subsection
7 (a-1) [~~this section~~] without notice except as required by
8 Subsection (b).

9 SECTION 1.03. Subsection (j), Section 5.701, Water Code, is
10 amended to read as follows:

11 (j) The fee for other uses of water not specifically named
12 in this section is \$1 per acre-foot, except that no political
13 subdivision may be required to pay fees to use water for recharge of
14 underground freshwater-bearing sands and aquifers or for abatement
15 of natural pollution. A fee is not required for a water right that
16 is [~~This fee is waived for applications for instream-use water~~
17 ~~rights~~] deposited into the Texas Water Trust.

18 SECTION 1.04. Section 11.002, Water Code, is amended by
19 adding Subdivisions (15), (16), (17), (18), and (19) to read as
20 follows:

21 (15) "Environmental flow analysis" means the
22 application of a scientifically derived process for predicting the
23 response of an ecosystem to changes in instream flows or freshwater
24 inflows.

25 (16) "Environmental flow regime" means a schedule of
26 flow quantities that reflects seasonal and yearly fluctuations that
27 typically would vary geographically, by specific location in a

1 watershed, and that are shown to be adequate to support a sound
2 ecological environment and to maintain the productivity, extent,
3 and persistence of key aquatic habitats in and along the affected
4 water bodies.

5 (17) "Environmental flow standards" means those
6 requirements adopted by the commission under Section 11.1471.

7 (18) "Advisory group" means the environmental flows
8 advisory group.

9 (19) "Science advisory committee" means the Texas
10 environmental flows science advisory committee.

11 SECTION 1.05. Subsection (a), Section 11.023, Water Code,
12 is amended to read as follows:

13 (a) To the extent that state water has not been set aside by
14 the commission under Section 11.1471(a)(2) to meet downstream
15 instream flow needs or freshwater inflow needs, state [~~State~~] water
16 may be appropriated, stored, or diverted for:

17 (1) domestic and municipal uses, including water for
18 sustaining human life and the life of domestic animals;

19 (2) agricultural uses and industrial uses, meaning
20 processes designed to convert materials of a lower order of value
21 into forms having greater usability and commercial value, including
22 the development of power by means other than hydroelectric;

23 (3) mining and recovery of minerals;

24 (4) hydroelectric power;

25 (5) navigation;

26 (6) recreation and pleasure;

27 (7) public parks; and

1 (8) game preserves.

2 SECTION 1.06. Section 11.0235, Water Code, is amended by
3 amending Subsections (b), (c), and (e) and adding Subsections (d-1)
4 through (d-6) and (f) to read as follows:

5 (b) Maintaining the biological soundness of the state's
6 rivers, lakes, bays, and estuaries is of great importance to the
7 public's economic health and general well-being. The legislature
8 encourages voluntary water and land stewardship to benefit the
9 water in the state, as defined by Section 26.001.

10 (c) The legislature has expressly required the commission
11 while balancing all other public interests to consider and, to the
12 extent practicable, provide for the freshwater inflows and instream
13 flows necessary to maintain the viability of the state's streams,
14 rivers, and bay and estuary systems in the commission's regular
15 granting of permits for the use of state waters. As an essential
16 part of the state's environmental flows policy, all permit
17 conditions relating to freshwater inflows to affected bays and
18 estuaries and instream flow needs must be subject to temporary
19 suspension if necessary for water to be applied to essential
20 beneficial uses during emergencies.

21 (d-1) The legislature has determined that existing water
22 rights that are amended to authorize use for environmental purposes
23 should be enforced in a manner consistent with the enforcement of
24 water rights for other purposes as provided by the laws of this
25 state governing the appropriation of state water.

26 (d-2) The legislature finds that to provide certainty in
27 water management and development and to provide adequate protection

1 of the state's streams, rivers, and bays and estuaries, the state
2 must have a process with specific timelines for prompt action to
3 address environmental flow issues in the state's major basin and
4 bay systems, especially those systems in which unappropriated water
5 is still available.

6 (d-3) The legislature finds that:

7 (1) in those basins in which water is available for
8 appropriation, the commission should establish an environmental
9 set-aside below which water should not be available for
10 appropriation; and

11 (2) in those basins in which the unappropriated water
12 that will be set aside for instream flow and freshwater inflow
13 protection is not sufficient to fully satisfy the environmental
14 flow standards established by the commission, a variety of market
15 approaches, both public and private, for filling the gap must be
16 explored and pursued.

17 (d-4) The legislature finds that while the state has
18 pioneered tools to address freshwater inflow needs for bays and
19 estuaries, there are limitations to those tools in light of both
20 scientific and public policy evolution. To fully address bay and
21 estuary environmental flow issues, the foundation of work
22 accomplished by the state should be improved. While the state's
23 instream flow studies program appears to encompass a comprehensive
24 and scientific approach for establishing a process to assess
25 instream flow needs for rivers and streams across the state, more
26 extensive review and examination of the details of the program,
27 which may not be fully developed until the program is under way, are

1 needed to ensure an effective tool for evaluating riverine
2 environmental flow conditions.

3 (d-5) The legislature finds that the management of water to
4 meet instream flow and freshwater inflow needs should be evaluated
5 on a regular basis and adapted to reflect both improvements in
6 science related to environmental flows and future changes in
7 projected human needs for water. In addition, the development of
8 management strategies for addressing environmental flow needs
9 should be an ongoing, adaptive process that considers and addresses
10 local issues.

11 (d-6) The legislature finds that recommendations for state
12 action to protect instream flows and freshwater inflows should be
13 developed through a consensus-based, regional approach involving
14 balanced representation of stakeholders and that such a process
15 should be encouraged throughout the state.

16 (e) The fact that greater pressures and demands are being
17 placed on the water resources of the state makes it of paramount
18 importance to ensure [~~reexamine the process for ensuring~~] that
19 these important priorities are effectively addressed by detailing
20 how environmental flow standards are to be developed using the
21 environmental studies that have been and are to be performed by the
22 state and others and specifying in clear delegations of authority
23 how those environmental flow standards will be integrated into the
24 regional water planning and water permitting process [~~to the~~
25 ~~commission~~].

26 (f) The legislature recognizes that effective
27 implementation of the approach provided by this chapter for

1 protecting instream flows and freshwater inflows will require more
2 effective water rights administration and enforcement systems than
3 are currently available in most areas of the state.

4 SECTION 1.07. Subchapter B, Chapter 11, Water Code, is
5 amended by adding Sections 11.0236, 11.02361, 11.02362, and 11.0237
6 to read as follows:

7 Sec. 11.0236. ENVIRONMENTAL FLOWS ADVISORY GROUP. (a) In
8 recognition of the importance that the ecological soundness of our
9 riverine, bay, and estuary systems and riparian lands has on the
10 economy, health, and well-being of the state there is created the
11 environmental flows advisory group.

12 (b) The advisory group is composed of nine members as
13 follows:

14 (1) three members appointed by the governor;

15 (2) three members of the senate appointed by the
16 lieutenant governor; and

17 (3) three members of the house of representatives
18 appointed by the speaker of the house of representatives.

19 (c) Of the members appointed under Subsection (b)(1):

20 (1) one member must be a member of the commission;

21 (2) one member must be a member of the board; and

22 (3) one member must be a member of the Parks and
23 Wildlife Commission.

24 (d) Each member of the advisory group serves at the will of
25 the person who appointed the member.

26 (e) The appointed senator with the most seniority and the
27 appointed house member with the most seniority serve together as

1 co-presiding officers of the advisory group.

2 (f) A member of the advisory group is not entitled to
3 receive compensation for service on the advisory group but is
4 entitled to reimbursement of the travel expenses incurred by the
5 member while conducting the business of the advisory group, as
6 provided by the General Appropriations Act.

7 (g) The advisory group may accept gifts and grants from any
8 source to be used to carry out a function of the advisory group.

9 (h) The commission shall provide staff support for the
10 advisory group.

11 (i) The advisory group shall conduct public hearings and
12 study public policy implications for balancing the demands on the
13 water resources of the state resulting from a growing population
14 with the requirements of the riverine, bay, and estuary systems
15 including granting permits for instream flows dedicated to
16 environmental needs or bay and estuary inflows, use of the Texas
17 Water Trust, and any other issues that the advisory group
18 determines have importance and relevance to the protection of
19 environmental flows. In evaluating the options for providing
20 adequate environmental flows, the advisory group shall take notice
21 of the strong public policy imperative that exists in this state
22 recognizing that environmental flows are important to the
23 biological health of our public and private lands, streams and
24 rivers, and bay and estuary systems and are high priorities in the
25 water management process. The advisory group shall specifically
26 address:

27 (1) ways that the ecological soundness of those

1 systems will be ensured in the water rights administration and
2 enforcement and water allocation processes; and

3 (2) appropriate methods to encourage persons
4 voluntarily to convert reasonable amounts of existing water rights
5 to use for environmental flow protection temporarily or
6 permanently.

7 (j) The advisory group may adopt rules, procedures, and
8 policies as needed to administer this section, to implement its
9 responsibilities, and to exercise its authority under Sections
10 11.02361 and 11.02362.

11 (k) Chapter 2110, Government Code, does not apply to the
12 size, composition, or duration of the advisory group.

13 (l) Not later than December 1, 2008, and every two years
14 thereafter, the advisory group shall issue and promptly deliver to
15 the governor, lieutenant governor, and speaker of the house of
16 representatives copies of a report summarizing:

17 (1) any hearings conducted by the advisory group;

18 (2) any studies conducted by the advisory group;

19 (3) any legislation proposed by the advisory group;

20 (4) progress made in implementing Sections 11.02361
21 and 11.02362; and

22 (5) any other findings and recommendations of the
23 advisory group.

24 (m) The advisory group is abolished on the date that the
25 commission has adopted environmental flow standards under Section
26 11.1471 for all of the river basin and bay systems in this state.

27 Sec. 11.02361. TEXAS ENVIRONMENTAL FLOWS SCIENCE ADVISORY

1 COMMITTEE. (a) The Texas environmental flows science advisory
2 committee consists of at least five but not more than nine members
3 appointed by the advisory group.

4 (b) The advisory group shall appoint to the science advisory
5 committee persons who will provide an objective perspective and
6 diverse technical expertise, including expertise in hydrology,
7 hydraulics, water resources, aquatic and terrestrial biology,
8 geomorphology, geology, water quality, computer modeling, and
9 other technical areas pertinent to the evaluation of environmental
10 flows.

11 (c) Members of the science advisory committee serve
12 five-year terms expiring March 1. A vacancy on the science advisory
13 committee is filled by appointment by the co-presiding officers of
14 the advisory group for the unexpired term.

15 (d) Chapter 2110, Government Code, does not apply to the
16 size, composition, or duration of the science advisory committee.

17 (e) The science advisory committee shall:

18 (1) serve as an objective scientific body to advise
19 and make recommendations to the advisory group on issues relating
20 to the science of environmental flow protection; and

21 (2) develop recommendations to help provide overall
22 direction, coordination, and consistency relating to:

23 (A) environmental flow methodologies for bay and
24 estuary studies and instream flow studies;

25 (B) environmental flow programs at the
26 commission, the Parks and Wildlife Department, and the board; and

27 (C) the work of the basin and bay expert science

1 teams described in Section 11.02362.

2 (f) To assist the advisory group to assess the extent to
3 which the recommendations of the science advisory committee are
4 considered and implemented, the commission, the Parks and Wildlife
5 Department, and the board shall provide written reports to the
6 advisory group, at intervals determined by the advisory group, that
7 describe:

8 (1) the actions taken by each agency in response to
9 each recommendation; and

10 (2) for each recommendation not implemented, the
11 reason it was not implemented.

12 (g) The science advisory committee is abolished on the date
13 the advisory group is abolished under Section 11.0236(m).

14 Sec. 11.02362. DEVELOPMENT OF ENVIRONMENTAL FLOW REGIME
15 RECOMMENDATIONS. (a) For the purposes of this section, the
16 advisory group, not later than November 1, 2007, shall define the
17 geographical extent of each river basin and bay system in this state
18 for the sole purpose of developing environmental flow regime
19 recommendations under this section and adoption of environmental
20 flow standards under Section 11.1471.

21 (b) The advisory group shall give priority in descending
22 order to the following river basin and bay systems of the state for
23 the purpose of developing environmental flow regime
24 recommendations and adopting environmental flow standards:

25 (1) the river basin and bay system consisting of the
26 Trinity and San Jacinto Rivers and Galveston Bay and the river basin
27 and bay system consisting of the Sabine and Neches Rivers and Sabine

1 Lake Bay;

2 (2) the river basin and bay system consisting of the
3 Colorado and Lavaca Rivers and Matagorda and Lavaca Bays and the
4 river basin and bay system consisting of the Guadalupe, San
5 Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas,
6 and San Antonio Bays; and

7 (3) the river basin and bay system consisting of the
8 Nueces River and Corpus Christi and Baffin Bays, the river basin and
9 bay system consisting of the Rio Grande, the Rio Grande estuary, and
10 the Lower Laguna Madre, and the Brazos River and its associated bay
11 and estuary system.

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

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

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

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

26 (4) the basin and bay area stakeholders committee
27 shall submit to the commission its comments on and recommendations

1 regarding the basin and bay expert science team's recommended
2 environmental flow regime not later than September 1, 2009; and

3 (5) the commission shall adopt the environmental flow
4 standards as provided by Section 11.1471 not later than September
5 1, 2010.

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

27 (e) For a river basin and bay system or a river basin that

1 does not have an associated bay system in this state not listed in
2 Subsection (b), the advisory group shall establish a schedule for
3 the development of environmental flow regime recommendations and
4 the adoption of environmental flow standards. The advisory group
5 shall develop the schedule in consultation with the commission, the
6 Parks and Wildlife Department, the board, and the pertinent basin
7 and bay area stakeholders committee and basin and bay expert
8 science team. The advisory group may, on its own initiative or on
9 request, modify a schedule established under this subsection to be
10 more responsive to particular circumstances, local desires,
11 changing conditions, or time-sensitive conflicts. This subsection
12 does not prohibit, in a river basin and bay system for which the
13 advisory group has not yet established a schedule for the
14 development of environmental flow regime recommendations and the
15 adoption of environmental flow standards, an effort to develop
16 information on environmental flow needs and ways in which those
17 needs can be met by a voluntary consensus-building process.

18 (f) The advisory group shall appoint a basin and bay area
19 stakeholders committee for each river basin and bay system in this
20 state for which a schedule for the development of environmental
21 flow regime recommendations and the adoption of environmental flow
22 standards is specified by or established under Subsection (c), (d),
23 or (e). Chapter 2110, Government Code, does not apply to the size,
24 composition, or duration of a basin and bay area stakeholders
25 committee. Each committee must consist of at least 17 members. The
26 membership of each committee must:

27 (1) reflect a fair and equitable balance of interest

1 groups concerned with the particular river basin and bay system for
2 which the committee is established; and

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

6 (A) agricultural water users, including
7 representatives of each of the following sectors:

8 (i) agricultural irrigation;

9 (ii) free-range livestock; and

10 (iii) concentrated animal feeding
11 operation;

12 (B) recreational water users, including coastal
13 recreational anglers and businesses supporting water recreation;

14 (C) municipalities;

15 (D) soil and water conservation districts;

16 (E) industrial water users, including
17 representatives of each of the following sectors:

18 (i) refining;

19 (ii) chemical manufacturing;

20 (iii) electricity generation; and

21 (iv) production of paper products or
22 timber;

23 (F) commercial fishermen;

24 (G) public interest groups;

25 (H) regional water planning groups;

26 (I) groundwater conservation districts;

27 (J) river authorities and other conservation and

1 reclamation districts with jurisdiction over surface water; and

2 (K) environmental interests.

3 (g) Members of a basin and bay area stakeholders committee
4 serve five-year terms expiring March 1. If a vacancy occurs on a
5 committee, the remaining members of the committee by majority vote
6 shall appoint a member to serve the remainder of the unexpired term.

7 (h) Meetings of a basin and bay area stakeholders committee
8 must be open to the public.

9 (i) Each basin and bay area stakeholders committee shall
10 establish a basin and bay expert science team for the river basin
11 and bay system for which the committee is established. The basin
12 and bay expert science team must be established not later than six
13 months after the date the basin and bay area stakeholders committee
14 is established. Chapter 2110, Government Code, does not apply to
15 the size, composition, or duration of a basin and bay expert science
16 team. Each basin and bay expert science team must be composed of
17 technical experts with special expertise regarding the river basin
18 and bay system or regarding the development of environmental flow
19 regimes. A person may serve as a member of more than one basin and
20 bay expert science team at the same time.

21 (j) The members of a basin and bay expert science team serve
22 five-year terms expiring April 1. A vacancy on a basin and bay
23 expert science team is filled by appointment by the pertinent basin
24 and bay area stakeholders committee to serve the remainder of the
25 unexpired term.

26 (k) The science advisory committee shall appoint one of its
27 members to serve as a liaison to each basin and bay expert science

1 team to facilitate coordination and consistency in environmental
2 flow activities throughout the state. The commission, the Parks
3 and Wildlife Department, and the board shall provide technical
4 assistance to each basin and bay expert science team, including
5 information about the studies conducted under Sections 16.058 and
6 16.059, and may serve as nonvoting members of the basin and bay
7 expert science team to facilitate the development of environmental
8 flow regime recommendations.

9 (l) Where reasonably practicable, meetings of a basin and
10 bay expert science team must be open to the public.

11 (m) Each basin and bay expert science team shall develop
12 environmental flow analyses and a recommended environmental flow
13 regime for the river basin and bay system for which the team is
14 established through a collaborative process designed to achieve a
15 consensus. In developing the analyses and recommendations, the
16 science team must consider all reasonably available science,
17 without regard to the need for the water for other uses, and the
18 science team's recommendations must be based solely on the best
19 science available. For the Rio Grande below Fort Quitman, any uses
20 attributable to Mexican water flows must be excluded from
21 environmental flow regime recommendations.

22 (n) Each basin and bay expert science team shall submit its
23 environmental flow analyses and environmental flow regime
24 recommendations to the pertinent basin and bay area stakeholders
25 committee, the advisory group, and the commission in accordance
26 with the applicable schedule specified by or established under
27 Subsection (c), (d), or (e). The basin and bay area stakeholders

1 committee and the advisory group may not change the environmental
2 flow analyses or environmental flow regime recommendations of the
3 basin and bay expert science team.

4 (o) Each basin and bay area stakeholders committee shall
5 review the environmental flow analyses and environmental flow
6 regime recommendations submitted by the committee's basin and bay
7 expert science team and shall consider them in conjunction with
8 other factors, including the present and future needs for water for
9 other uses related to water supply planning in the pertinent river
10 basin and bay system. For the Rio Grande, the basin and bay area
11 stakeholders committee shall also consider the water accounting
12 requirements for any international water sharing treaty, minutes,
13 and agreement applicable to the Rio Grande and the effects on
14 allocation of water by the Rio Grande watermaster in the middle and
15 lower Rio Grande. The Rio Grande basin and bay expert science team
16 may not recommend any environmental flow regime that would result
17 in a violation of a treaty or court decision. The basin and bay area
18 stakeholders committee shall develop recommendations regarding
19 environmental flow standards and strategies to meet the
20 environmental flow standards and submit those recommendations to
21 the commission and to the advisory group in accordance with the
22 applicable schedule specified by or established under Subsection
23 (c), (d), or (e). In developing its recommendations, the basin and
24 bay area stakeholders committee shall operate on a consensus basis
25 to the maximum extent possible.

26 (p) In recognition of the importance of adaptive
27 management, after submitting its recommendations regarding

1 environmental flow standards and strategies to meet the
2 environmental flow standards to the commission, each basin and bay
3 area stakeholders committee, with the assistance of the pertinent
4 basin and bay expert science team, shall prepare and submit for
5 approval by the advisory group a work plan. The work plan must:

6 (1) establish a periodic review of the basin and bay
7 environmental flow analyses and environmental flow regime
8 recommendations, environmental flow standards, and strategies, to
9 occur at least once every 10 years;

10 (2) prescribe specific monitoring, studies, and
11 activities; and

12 (3) establish a schedule for continuing the validation
13 or refinement of the basin and bay environmental flow analyses and
14 environmental flow regime recommendations, the environmental flow
15 standards adopted by the commission, and the strategies to achieve
16 those standards.

17 (g) In accordance with the applicable schedule specified by
18 or established under Subsection (c), (d), or (e), the advisory
19 group, with input from the science advisory committee, shall review
20 the environmental flow analyses and environmental flow regime
21 recommendations submitted by each basin and bay expert science
22 team. If appropriate, the advisory group shall submit comments on
23 the analyses and recommendations to the commission for use by the
24 commission in adopting rules under Section 11.1471. Comments must
25 be submitted not later than six months after the date of receipt of
26 the analyses and recommendations.

27 (r) Notwithstanding the other provisions of this section,

1 in the event the commission, by permit or order, has established an
2 estuary advisory council with specific duties related to
3 implementation of permit conditions for environmental flows, that
4 council may continue in full force and effect and shall act as and
5 perform the duties of the basin and bay area stakeholders committee
6 under this section. The estuary advisory council shall add members
7 from stakeholder groups and from appropriate science and technical
8 groups, if necessary, to fully meet the criteria for membership
9 established in Subsection (f) and shall operate under the
10 provisions of this section.

11 (s) Each basin and bay area stakeholders committee and basin
12 and bay expert science team is abolished on the date the advisory
13 group is abolished under Section 11.0236(m).

14 Sec. 11.0237. WATER RIGHTS FOR INSTREAM FLOWS DEDICATED TO
15 ENVIRONMENTAL NEEDS OR BAY AND ESTUARY INFLOWS. (a) The commission
16 may not issue a new permit for instream flows dedicated to
17 environmental needs or bay and estuary inflows. The commission may
18 approve an application to amend an existing permit or certificate
19 of adjudication to change the use to or add a use for instream flows
20 dedicated to environmental needs or bay and estuary inflows.

21 (b) This section does not alter the commission's
22 obligations under Section 11.042(b) or (c), 11.046(b),
23 11.085(k)(2)(F), 11.134(b)(3)(D), 11.147, 11.1471, 11.1491,
24 11.150, 11.152, 16.058, or 16.059.

25 SECTION 1.08. Subsection (b), Section 11.082, Water Code,
26 is amended to read as follows:

27 (b) The state may recover the penalties prescribed in

1 Subsection (a) [~~of this section~~] by suit brought for that purpose in
2 a court of competent jurisdiction. The state may seek those
3 penalties regardless of whether a watermaster has been appointed
4 for the water division, river basin, or segment of a river basin
5 where the unlawful use is alleged to have occurred.

6 SECTION 1.09. Section 11.0841, Water Code, is amended by
7 adding Subsection (c) to read as follows:

8 (c) For purposes of this section, the Parks and Wildlife
9 Department has:

10 (1) the rights of a holder of a water right that is
11 held in the Texas Water Trust, including the right to file suit in a
12 civil court to prevent the unlawful use of such a right;

13 (2) the right to act in the same manner that a holder
14 of a water right may act to protect the holder's rights in seeking
15 to prevent any person from appropriating water in violation of a
16 set-aside established by the commission under Section 11.1471 to
17 meet instream flow needs or freshwater inflow needs; and

18 (3) the right to file suit in a civil court to prevent
19 the unlawful use of a set-aside established under Section 11.1471.

20 SECTION 1.10. Subsection (a), Section 11.0842, Water Code,
21 is amended to read as follows:

22 (a) If a person violates this chapter, a rule or order
23 adopted under this chapter or Section 16.236 [~~of this code~~], or a
24 permit, certified filing, or certificate of adjudication issued
25 under this chapter, the commission may assess an administrative
26 penalty against that person as provided by this section. The
27 commission may assess an administrative penalty for a violation

1 relating to a water division or a river basin or segment of a river
2 basin regardless of whether a watermaster has been appointed for
3 the water division or river basin or segment of the river basin.

4 SECTION 1.11. Subsection (a), Section 11.0843, Water Code,
5 is amended to read as follows:

6 (a) Upon witnessing a violation of this chapter or a rule or
7 order or a water right issued under this chapter, the executive
8 director or a person designated by the executive director,
9 including a watermaster or the watermaster's deputy, [~~as defined by~~
10 ~~commission rule,~~] may issue the alleged violator a field citation
11 alleging that a violation has occurred and providing the alleged
12 violator the option of either:

13 (1) without admitting to or denying the alleged
14 violation, paying an administrative penalty in accordance with the
15 predetermined penalty amount established under Subsection (b) [~~of~~
16 ~~this section~~] and taking remedial action as provided in the
17 citation; or

18 (2) requesting a hearing on the alleged violation in
19 accordance with Section 11.0842 [~~of this code~~].

20 SECTION 1.12. Subsection (b), Section 11.134, Water Code,
21 is amended to read as follows:

22 (b) The commission shall grant the application only if:

23 (1) the application conforms to the requirements
24 prescribed by this chapter and is accompanied by the prescribed
25 fee;

26 (2) unappropriated water is available in the source of
27 supply;

1 (3) the proposed appropriation:

2 (A) is intended for a beneficial use;

3 (B) does not impair existing water rights or
4 vested riparian rights;

5 (C) is not detrimental to the public welfare;

6 (D) considers any applicable environmental flow
7 standards established under Section 11.1471 and, if applicable, the
8 assessments performed under Sections 11.147(d) and (e) and Sections
9 11.150, 11.151, and 11.152; and

10 (E) addresses a water supply need in a manner
11 that is consistent with the state water plan and the relevant
12 approved regional water plan for any area in which the proposed
13 appropriation is located, unless the commission determines that
14 conditions warrant waiver of this requirement; and

15 (4) the applicant has provided evidence that
16 reasonable diligence will be used to avoid waste and achieve water
17 conservation as defined by [~~Subdivision (8)(B),~~] Section
18 11.002(8)(B) [~~11.002~~].

19 SECTION 1.13. Section 11.147, Water Code, is amended by
20 amending Subsections (b), (d), and (e) and adding Subsections
21 (e-1), (e-2), and (e-3) to read as follows:

22 (b) In its consideration of an application for a permit to
23 store, take, or divert water, the commission shall assess the
24 effects, if any, of the issuance of the permit on the bays and
25 estuaries of Texas. For permits issued within an area that is 200
26 river miles of the coast, to commence from the mouth of the river
27 thence inland, the commission shall include in the permit any

1 conditions considered necessary to maintain beneficial inflows to
2 any affected bay and estuary system, to the extent practicable when
3 considering all public interests and the studies mandated by
4 Section 16.058 as evaluated under Section 11.1491[~~, those~~
5 ~~conditions considered necessary to maintain beneficial inflows to~~
6 ~~any affected bay and estuary system~~].

7 (d) In its consideration of an application to store, take,
8 or divert water, the commission shall include in the permit, to the
9 extent practicable when considering all public interests, those
10 conditions considered by the commission necessary to maintain
11 existing instream uses and water quality of the stream or river to
12 which the application applies. In determining what conditions to
13 include in the permit under this subsection, the commission shall
14 consider among other factors:

15 (1) the studies mandated by Section 16.059; and

16 (2) any water quality assessment performed under
17 Section 11.150.

18 (e) The commission shall include in the permit, to the
19 extent practicable when considering all public interests, those
20 conditions considered by the commission necessary to maintain fish
21 and wildlife habitats. In determining what conditions to include
22 in the permit under this subsection, the commission shall consider
23 any assessment performed under Section 11.152.

24 (e-1) Any permit for a new appropriation of water or an
25 amendment to an existing water right that increases the amount of
26 water authorized to be stored, taken, or diverted must include a
27 provision allowing the commission to adjust the conditions included

1 in the permit or amended water right to provide for protection of
2 instream flows or freshwater inflows. With respect to an amended
3 water right, the provision may not allow the commission to adjust a
4 condition of the amendment other than a condition that applies only
5 to the increase in the amount of water to be stored, taken, or
6 diverted authorized by the amendment. This subsection does not
7 affect an appropriation of or an authorization to store, take, or
8 divert water under a permit or amendment to a water right issued
9 before September 1, 2007. The commission shall adjust the
10 conditions if the commission determines, through an expedited
11 public comment process, that such an adjustment is appropriate to
12 achieve compliance with applicable environmental flow standards
13 adopted under Section 11.1471. The adjustment:

14 (1) in combination with any previous adjustments made
15 under this subsection may not increase the amount of the
16 pass-through or release requirement for the protection of instream
17 flows or freshwater inflows by more than 12.5 percent of the
18 annualized total of that requirement contained in the permit as
19 issued or of that requirement contained in the amended water right
20 and applicable only to the increase in the amount of water
21 authorized to be stored, taken, or diverted under the amended water
22 right;

23 (2) must be based on appropriate consideration of the
24 priority dates and diversion locations of any other water rights
25 granted in the same river basin that are subject to adjustment under
26 this subsection; and

27 (3) must be based on appropriate consideration of any

1 voluntary contributions to the Texas Water Trust, and of any
2 voluntary amendments to existing water rights to change the use of a
3 specified quantity of water to or add a use of a specified quantity
4 of water for instream flows dedicated to environmental needs or bay
5 and estuary inflows as authorized by Section 11.0237(a), that
6 actually contribute toward meeting the applicable environmental
7 flow standards.

8 (e-2) Any water right holder who makes a contribution or
9 amends a water right as described by Subsection (e-1)(3) is
10 entitled to appropriate credit for the benefits of the contribution
11 or amendment against the adjustment of the holder's water right
12 under Subsection (e-1).

13 (e-3) Notwithstanding Subsections (b)-(e), for the purpose
14 of determining the environmental flow conditions necessary to
15 maintain freshwater inflows to an affected bay and estuary system,
16 existing instream uses and water quality of a stream or river, or
17 fish and aquatic wildlife habitats, the commission shall apply any
18 applicable environmental flow standard, including any
19 environmental flow set-aside, adopted under Section 11.1471
20 instead of considering the factors specified by those subsections.

21 SECTION 1.14. Subchapter D, Chapter 11, Water Code, is
22 amended by adding Section 11.1471 to read as follows:

23 Sec. 11.1471. ENVIRONMENTAL FLOW STANDARDS AND SET-ASIDES.

24 (a) The commission by rule shall:

25 (1) adopt appropriate environmental flow standards
26 for each river basin and bay system in this state that are adequate
27 to support a sound ecological environment, to the maximum extent

1 reasonable considering other public interests and other relevant
2 factors;

3 (2) establish an amount of unappropriated water, if
4 available, to be set aside to satisfy the environmental flow
5 standards to the maximum extent reasonable when considering human
6 water needs; and

7 (3) establish procedures for implementing an
8 adjustment of the conditions included in a permit or an amended
9 water right as provided by Sections 11.147(e-1) and (e-2).

10 (b) In adopting environmental flow standards for a river
11 basin and bay system under Subsection (a)(1), the commission shall
12 consider:

13 (1) the definition of the geographical extent of the
14 river basin and bay system adopted by the advisory group under
15 Section 11.02362(a) and the definition and designation of the river
16 basin by the board under Section 16.051(c);

17 (2) the schedule established by the advisory group
18 under Section 11.02362(d) or (e) for the adoption of environmental
19 flow standards for the river basin and bay system, if applicable;

20 (3) the environmental flow analyses and the
21 recommended environmental flow regime developed by the applicable
22 basin and bay expert science team under Section 11.02362(m);

23 (4) the recommendations developed by the applicable
24 basin and bay area stakeholders committee under Section 11.02362(o)
25 regarding environmental flow standards and strategies to meet the
26 flow standards;

27 (5) any comments submitted by the advisory group to

1 the commission under Section 11.02362(q);

2 (6) the specific characteristics of the river basin
3 and bay system;

4 (7) economic factors;

5 (8) the human and other competing water needs in the
6 river basin and bay system;

7 (9) all reasonably available scientific information,
8 including any scientific information provided by the science
9 advisory committee; and

10 (10) any other appropriate information.

11 (c) Environmental flow standards adopted under Subsection
12 (a)(1) must consist of a schedule of flow quantities, reflecting
13 seasonal and yearly fluctuations that may vary geographically by
14 specific location in a river basin and bay system.

15 (d) As provided by Section 11.023, the commission may not
16 issue a permit for a new appropriation or an amendment to an
17 existing water right that increases the amount of water authorized
18 to be stored, taken, or diverted if the issuance of the permit or
19 amendment would impair an environmental flow set-aside established
20 under Subsection (a)(2). A permit for a new appropriation or an
21 amendment to an existing water right that increases the amount of
22 water authorized to be stored, taken, or diverted that is issued
23 after the adoption of an applicable environmental flow set-aside
24 must contain appropriate conditions to ensure protection of the
25 environmental flow set-aside.

26 (e) An environmental flow set-aside established under
27 Subsection (a)(2) for a river basin and bay system other than the

1 middle and lower Rio Grande must be assigned a priority date
2 corresponding to the date the commission receives environmental
3 flow regime recommendations from the applicable basin and bay
4 expert science team and be included in the appropriate water
5 availability models in connection with an application for a permit
6 for a new appropriation or for an amendment to an existing water
7 right that increases the amount of water authorized to be stored,
8 taken, or diverted.

9 (f) An environmental flow standard or environmental flow
10 set-aside adopted under Subsection (a) may be altered by the
11 commission in a rulemaking process undertaken in accordance with a
12 schedule established by the commission. In establishing a
13 schedule, the commission shall consider the applicable work plan
14 approved by the advisory group under Section 11.02362(p). The
15 commission's schedule may not provide for the rulemaking process to
16 occur more frequently than once every 10 years unless the work plan
17 provides for a periodic review under Section 11.02362(p) to occur
18 more frequently than once every 10 years. In that event, the
19 commission may provide for the rulemaking process to be undertaken
20 in conjunction with the periodic review if the commission
21 determines that schedule to be appropriate. A rulemaking process
22 undertaken under this subsection must provide for the participation
23 of stakeholders having interests in the particular river basin and
24 bay system for which the process is undertaken.

25 SECTION 1.15. The heading to Section 11.148, Water Code, is
26 amended to read as follows:

27 Sec. 11.148. EMERGENCY SUSPENSION OF PERMIT CONDITIONS AND

1 EMERGENCY AUTHORITY TO MAKE AVAILABLE WATER SET ASIDE FOR
2 ENVIRONMENTAL FLOWS.

3 SECTION 1.16. Section 11.148, Water Code, is amended by
4 adding Subsection (a-1) and amending Subsections (b) and (c) to
5 read as follows:

6 (a-1) State water that is set aside by the commission to
7 meet the needs for freshwater inflows to affected bays and
8 estuaries and instream uses under Section 11.1471(a)(2) may be made
9 available temporarily for other essential beneficial uses if the
10 commission finds that an emergency exists that cannot practically
11 be resolved in another way.

12 (b) Before the commission suspends a permit condition under
13 Subsection (a) or makes water available temporarily under
14 Subsection (a-1) [~~of this section~~], it must give written notice to
15 the Parks and Wildlife Department of the proposed action
16 [~~suspension~~]. The commission shall give the Parks and Wildlife
17 Department an opportunity to submit comments on the proposed action
18 [~~suspension~~] within 72 hours from such time and the commission
19 shall consider those comments before issuing its order implementing
20 the proposed action [~~imposing the suspension~~].

21 (c) The commission may suspend the permit condition under
22 Subsection (a) or make water available temporarily under Subsection
23 (a-1) without notice to any other interested party other than the
24 Parks and Wildlife Department as provided by Subsection (b) [~~of~~
25 ~~this section~~]. However, all affected persons shall be notified
26 immediately by publication, and a hearing to determine whether the
27 suspension should be continued shall be held within 15 days of the

1 date on which the order to suspend is issued.

2 SECTION 1.17. Subsection (a), Section 11.1491, Water Code,
3 is amended to read as follows:

4 (a) The Parks and Wildlife Department and the commission
5 shall have joint responsibility to review the studies prepared
6 under Section 16.058 [~~of this code~~], to determine inflow conditions
7 necessary for the bays and estuaries, and to provide information
8 necessary for water resources management. Each agency shall
9 designate an employee to share equally in the oversight of the
10 program. Other responsibilities shall be divided between the Parks
11 and Wildlife Department and the commission to maximize present
12 in-house capabilities of personnel and to minimize costs to the
13 state. Each agency shall have reasonable access to all information
14 produced by the other agency. Publication of reports completed
15 under this section shall be submitted for comment to [~~both~~] the
16 commission, [~~and~~] the Parks and Wildlife Department, the advisory
17 group, the science advisory committee, and any applicable basin and
18 bay area stakeholders committee and basin and bay expert science
19 team.

20 SECTION 1.18. Subsection (g), Section 11.329, Water Code,
21 is amended to read as follows:

22 (g) The commission may not assess costs under this section
23 against a holder of a non-priority hydroelectric right that owns or
24 operates privately owned facilities that collectively have a
25 capacity of less than two megawatts or against a holder of a water
26 right placed in the Texas Water Trust for a term of at least 20
27 years. [~~This subsection is not intended to affect in any way the~~

1 ~~fees assessed on a water right holder by the commission under~~
2 ~~Section 1.29(d), Chapter 626, Acts of the 73rd Legislature, Regular~~
3 ~~Session, 1993. For purposes of Section 1.29(d), Chapter 626, Acts~~
4 ~~of the 73rd Legislature, Regular Session, 1993, a holder of a~~
5 ~~non-priority hydroelectric right that owns or operates privately~~
6 ~~owned facilities that collectively have a capacity of less than two~~
7 ~~megawatts shall be assessed fees at the same rate per acre-foot~~
8 ~~charged to a holder of a non-priority hydroelectric right that owns~~
9 ~~or operates privately owned facilities that collectively have a~~
10 ~~capacity of more than two megawatts.]~~

11 SECTION 1.19. Subsection (e), Section 11.404, Water Code,
12 is amended to read as follows:

13 (e) The court may not assess costs and expenses under this
14 section against:

15 (1) a holder of a non-priority hydroelectric right
16 that owns or operates privately owned facilities that collectively
17 have a capacity of less than two megawatts; or

18 (2) a holder of a water right placed in the Texas Water
19 Trust for a term of at least 20 years.

20 SECTION 1.20. Subchapter I, Chapter 11, Water Code, is
21 amended by adding Section 11.4531 to read as follows:

22 Sec. 11.4531. WATERMASTER ADVISORY COMMITTEE. (a) For
23 each river basin or segment of a river basin for which the executive
24 director appoints a watermaster under this subchapter, the
25 executive director shall appoint a watermaster advisory committee
26 consisting of at least nine but not more than 15 members. A member
27 of the advisory committee must be a holder of a water right or a

1 representative of a holder of a water right in the river basin or
2 segment of the river basin for which the watermaster is appointed.
3 In appointing members to the advisory committee, the executive
4 director shall consider:

5 (1) geographic representation;

6 (2) amount of water rights held;

7 (3) different types of holders of water rights and
8 users, including water districts, municipal suppliers, irrigators,
9 and industrial users; and

10 (4) experience and knowledge of water management
11 practices.

12 (b) An advisory committee member is not entitled to
13 reimbursement of expenses or to compensation.

14 (c) An advisory committee member serves a two-year term
15 expiring August 31 of each odd-numbered year and holds office until
16 a successor is appointed.

17 (d) The advisory committee shall meet within 30 days after
18 the date the initial appointments have been made and shall select a
19 presiding officer to serve a one-year term. The committee shall
20 meet regularly as necessary.

21 (e) The advisory committee shall:

22 (1) make recommendations to the executive director
23 regarding activities of benefit to the holders of water rights in
24 the administration and distribution of water to holders of water
25 rights in the river basin or segment of the river basin for which
26 the watermaster is appointed;

27 (2) review and comment to the executive director on

1 the annual budget of the watermaster operation; and

2 (3) perform other advisory duties as requested by the
3 executive director regarding the watermaster operation or as
4 requested by holders of water rights and considered by the
5 committee to benefit the administration of water rights in the
6 river basin or segment of the river basin for which the watermaster
7 is appointed.

8 SECTION 1.21. Sections 11.454 and 11.455, Water Code, are
9 amended to read as follows:

10 Sec. 11.454. DUTIES AND AUTHORITY OF THE WATERMASTER.
11 Section 11.327 applies to the duties and authority of a watermaster
12 appointed for a river basin or segment of a river basin under this
13 subchapter in the same manner as that section applies to the duties
14 and authority of a watermaster appointed for a water division under
15 Subchapter G [A watermaster as the agent of the commission and under
16 the executive director's supervision shall:

17 ~~[(1) divide the water of the streams or other sources~~
18 ~~of supply of his segment or basin in accordance with the authorized~~
19 ~~water rights;~~

20 ~~[(2) regulate or cause to be regulated the controlling~~
21 ~~works of reservoirs and diversion works in time of water shortage,~~
22 ~~as is necessary because of the rights existing in the streams of his~~
23 ~~segment or basin, or as is necessary to prevent the waste of water~~
24 ~~or its diversion, taking, storage, or use in excess of the~~
25 ~~quantities to which the holders of water rights are lawfully~~
26 ~~entitled; and~~

27 ~~[(3) perform any other duties and exercise any~~

1 ~~authority directed by the commission].~~

2 Sec. 11.455. COMPENSATION AND EXPENSES OF WATERMASTER
3 [ASSESSMENTS]. (a) Section 11.329 applies to the payment of the
4 compensation and expenses of a watermaster appointed for a river
5 basin or segment of a river basin under this subchapter in the same
6 manner as that section applies to the payment of the compensation
7 and expenses of a watermaster appointed for a water division under
8 Subchapter G.

9 (b) The executive director shall deposit the assessments
10 collected under this section to the credit of the watermaster fund.

11 (c) Money deposited under this section to the credit of the
12 watermaster fund may be used only for the purposes specified by
13 Section 11.3291 with regard to the watermaster operation under this
14 subchapter with regard to which the assessments were collected ~~[The~~
15 ~~commission may assess the costs of the watermaster against all~~
16 ~~persons who hold water rights in the river basin or segment of the~~
17 ~~river basin under the watermaster's jurisdiction in accordance with~~
18 ~~Section 11.329 of this code].~~

19 SECTION 1.22. Subchapter F, Chapter 15, Water Code, is
20 amended by adding Section 15.4063 to read as follows:

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

23 (1) to compensate the members of the Texas
24 environmental flows science advisory committee established under
25 Section 11.02361 for attendance and participation at meetings of
26 the committee and for transportation, meals, lodging, or other
27 travel expenses associated with attendance at those meetings as

1 provided by the General Appropriations Act;

2 (2) for contracts with cooperating state and federal
3 agencies and universities and with private entities as necessary to
4 provide technical assistance to enable the Texas environmental
5 flows science advisory committee and the basin and bay expert
6 science teams established under Section 11.02362 to perform their
7 statutory duties;

8 (3) to compensate the members of the basin and bay
9 expert science teams established under Section 11.02362 for
10 attendance and participation at meetings of the basin and bay
11 expert science teams and for transportation, meals, lodging, or
12 other travel expenses associated with attendance at those meetings
13 as provided by the General Appropriations Act; and

14 (4) for contracts with political subdivisions
15 designated as representatives of basin and bay area stakeholders
16 committees established under Section 11.02362 to fund all or part
17 of the administrative expenses incurred in conducting meetings of
18 the basin and bay area stakeholders committees or the pertinent
19 basin and bay expert science teams.

20 SECTION 1.23. Subsection (d), Section 16.059, Water Code,
21 is amended to read as follows:

22 (d) The priority studies shall be completed not later than
23 December 31, 2016 [~~2010~~]. The Parks and Wildlife Department, the
24 commission, and the board shall establish a work plan that
25 prioritizes the studies and that sets interim deadlines providing
26 for publication of flow determinations for individual rivers and
27 streams on a reasonably consistent basis throughout the prescribed

1 study period. Before publication, completed studies shall be
2 submitted for comment to the commission, the board, and the Parks
3 and Wildlife Department.

4 SECTION 1.24. Subsection (h), Section 26.0135, Water Code,
5 as amended by Chapters 234 and 965, Acts of the 77th Legislature,
6 Regular Session, 2001, is reenacted and amended to read as follows:

7 (h) The commission shall apportion, assess, and recover the
8 reasonable costs of administering the water quality management
9 programs under this section from users of water and wastewater
10 permit holders in the watershed according to the records of the
11 commission generally in proportion to their right, through permit
12 or contract, to use water from and discharge wastewater in the
13 watershed. Irrigation water rights, ~~and~~ non-priority
14 hydroelectric rights of a water right holder that owns or operates
15 privately owned facilities that collectively have a capacity of
16 less than two megawatts, and water rights held in the Texas Water
17 Trust for terms of at least 20 years will not be subject to this
18 assessment. The cost to river authorities and others to conduct
19 water quality monitoring and assessment shall be subject to prior
20 review and approval by the commission as to methods of allocation
21 and total amount to be recovered. The commission shall adopt rules
22 to supervise and implement the water quality monitoring,
23 assessment, and associated costs. The rules shall ensure that
24 water users and wastewater dischargers do not pay excessive
25 amounts, that program funds are equitably apportioned among basins,
26 that a river authority may recover no more than the actual costs of
27 administering the water quality management programs called for in

1 this section, and that no municipality shall be assessed cost for
2 any efforts that duplicate water quality management activities
3 described in Section 26.177 [~~of this chapter~~]. The rules
4 concerning the apportionment and assessment of reasonable costs
5 shall provide for a recovery of not more than \$5,000,000 annually.
6 Costs recovered by the commission are to be deposited to the credit
7 of the water resource management account and may be used only to
8 accomplish the purposes of this section. The commission may apply
9 not more than 10 percent of the costs recovered annually toward the
10 commission's overhead costs for the administration of this section
11 and the implementation of regional water quality assessments. The
12 commission, with the assistance and input of each river authority,
13 shall file a written report accounting for the costs recovered
14 under this section with the governor, the lieutenant governor, and
15 the speaker of the house of representatives on or before December 1
16 of each even-numbered year.

17 SECTION 1.25. Subsection (b), Section 11.1491, Water Code,
18 is repealed.

19 SECTION 1.26. (a) The governor, lieutenant governor, and
20 speaker of the house of representatives shall appoint the initial
21 members of the environmental flows advisory group as provided by
22 Section 11.0236, Water Code, as added by this article, as soon as
23 practicable on or after the effective date of this Act.

24 (b) As soon as practicable after taking office, the initial
25 members of the environmental flows advisory group shall appoint the
26 initial members of the Texas environmental flows science advisory
27 committee as provided by Section 11.02361, Water Code, as added by

1 this article. The terms of the initial members of the committee
2 expire March 1, 2012.

3 (c) The environmental flows advisory group shall appoint
4 the members of each basin and bay area stakeholders committee as
5 provided by Section 11.02362, Water Code, as added by this article.
6 The terms of the initial members of each committee expire March 1 of
7 the fifth year that begins after the year in which the initial
8 appointments are made.

9 (d) Each basin and bay area stakeholders committee shall
10 appoint the members of the basin and bay expert science team for the
11 river basin and bay system for which the committee is established as
12 provided by Section 11.02362, Water Code, as added by this article.
13 The terms of the initial members of each team expire April 1 of the
14 fifth year that begins after the year in which the initial
15 appointments are made.

16 (e) The executive director of the Texas Commission on
17 Environmental Quality shall appoint the members of the watermaster
18 advisory committee under Section 11.4531, Water Code, as added by
19 this article, for each river basin or segment of a river basin for
20 which the executive director appoints a watermaster under
21 Subchapter I, Chapter 11, Water Code. The terms of the initial
22 members of each committee expire August 31 of the first
23 odd-numbered year that begins after the year in which the initial
24 appointments are made.

25 SECTION 1.27. The changes in law made by this article
26 relating to a permit for a new appropriation of water or to an
27 amendment to an existing water right that increases the amount of

1 water authorized to be stored, taken, or diverted apply only to:

2 (1) water appropriated under a permit for a new
3 appropriation of water the application for which is pending with
4 the Texas Commission on Environmental Quality on the effective date
5 of this Act or is filed with the commission on or after that date; or

6 (2) the increase in the amount of water authorized to
7 be stored, taken, or diverted under an amendment to an existing
8 water right that increases the amount of water authorized to be
9 stored, taken, or diverted and the application for which is pending
10 with the Texas Commission on Environmental Quality on the effective
11 date of this Act or is filed with the commission on or after that
12 date.

13 ARTICLE 2. WATER CONSERVATION AND PLANNING

14 SECTION 2.01. Section 1.003, Water Code, is amended to read
15 as follows:

16 Sec. 1.003. PUBLIC POLICY. It is the public policy of the
17 state to provide for the conservation and development of the
18 state's natural resources, including:

19 (1) the control, storage, preservation, and
20 distribution of the state's storm and floodwaters and the waters of
21 its rivers and streams for irrigation, power, and other useful
22 purposes;

23 (2) the reclamation and irrigation of the state's
24 arid, semiarid, and other land needing irrigation;

25 (3) the reclamation and drainage of the state's
26 overflowed land and other land needing drainage;

27 (4) the conservation and development of its forest,

1 water, and hydroelectric power;

2 (5) the navigation of the state's inland and coastal
3 waters; ~~and~~

4 (6) the maintenance of a proper ecological environment
5 of the bays and estuaries of Texas and the health of related living
6 marine resources; and

7 (7) the voluntary stewardship of public and private
8 lands to benefit waters of the state.

9 SECTION 2.02. Subchapter A, Chapter 1, Water Code, is
10 amended by adding Section 1.004 to read as follows:

11 Sec. 1.004. FINDINGS AND POLICY REGARDING LAND STEWARDSHIP.

12 (a) The legislature finds that voluntary land stewardship
13 enhances the efficiency and effectiveness of this state's
14 watersheds by helping to increase surface water and groundwater
15 supplies, resulting in a benefit to the natural resources of this
16 state and to the general public. It is therefore the policy of this
17 state to encourage voluntary land stewardship as a significant
18 water management tool.

19 (b) "Land stewardship," as used in this code, is the
20 voluntary practice of managing land to conserve or enhance suitable
21 landscapes and the ecosystem values of the land. Land stewardship
22 includes land and habitat management, wildlife conservation, and
23 watershed protection. Land stewardship practices include runoff
24 reduction, prescribed burning, managed grazing, brush management,
25 erosion management, reseeding with native plant species, riparian
26 management and restoration, and spring and creek-bank protection,
27 all of which benefit the water resources of this state.

1 SECTION 2.03. Section 11.002, Water Code, is amended by
2 adding Subdivision (20) to read as follows:

3 (20) "Best management practices" means those
4 voluntary efficiency measures developed by the commission and the
5 board that save a quantifiable amount of water, either directly or
6 indirectly, and that can be implemented within a specified time
7 frame.

8 SECTION 2.04. Subchapter E, Chapter 13, Water Code, is
9 amended by adding Section 13.146 to read as follows:

10 Sec. 13.146. WATER CONSERVATION PLAN. The commission shall
11 require a retail public utility that provides potable water service
12 to a population of 3,300 or more to submit to the executive
13 administrator of the board a water conservation plan based on
14 specific targets and goals developed by the retail public utility
15 and using appropriate best management practices, as defined by
16 Section 11.002, or other water conservation strategies. For
17 purposes of this section, the population served by a retail public
18 utility shall be determined on the basis of the population
19 estimates contained in the most recent regional water plan adopted
20 for the regional water planning area in which the retail public
21 utility's service area is located.

22 SECTION 2.05. Subsection (b), Section 15.102, Water Code,
23 is amended to read as follows:

24 (b) The loan fund may also be used by the board to provide:

25 (1) grants or loans for projects that include
26 supplying water and wastewater services in economically distressed
27 areas or nonborder colonias as provided by legislative

1 appropriations, this chapter, and board rules, including projects
2 involving retail distribution of those services; and

3 (2) grants for:

4 (A) projects for which federal grant funds are
5 placed in the loan fund;

6 (B) projects, on specific legislative
7 appropriation for those projects; or

8 (C) water conservation, desalination, brush
9 control, weather modification, regionalization, and projects
10 providing regional water quality enhancement services as defined by
11 board rule, including regional conveyance systems.

12 SECTION 2.06. Subchapter Q, Chapter 15, Water Code, is
13 amended by adding Section 15.9751 to read as follows:

14 Sec. 15.9751. PRIORITY FOR WATER CONSERVATION. The board
15 shall give priority to applications for funds for the
16 implementation of water supply projects in the state water plan by
17 entities that:

18 (1) have already demonstrated significant water
19 conservation savings; or

20 (2) will achieve significant water conservation
21 savings by implementing the proposed project for which the
22 financial assistance is sought.

23 SECTION 2.07. Subsection (h), Section 16.053, Water Code,
24 is amended by adding Subdivisions (10) and (11) to read as follows:

25 (10) The regional water planning group may amend the
26 regional water plan after the plan has been approved by the board.
27 Subdivisions (1)-(9) apply to an amendment to the plan in the same

1 manner as those subdivisions apply to the plan.

2 (11) This subdivision applies only to an amendment to
3 a regional water plan approved by the board. This subdivision does
4 not apply to the adoption of a subsequent regional water plan for
5 submission to the board as required by Subsection (i).
6 Notwithstanding Subdivision (10), the regional water planning
7 group may amend the plan in the manner provided by this subdivision
8 if the executive administrator determines that the amendment
9 qualifies for adoption in the manner provided by this subdivision
10 before the regional water planning group votes on adoption of the
11 amendment. An amendment qualifies for adoption in the manner
12 provided by this subdivision only if the amendment will not result
13 in the overallocation of any existing or planned source of water,
14 does not relate to a new reservoir, and will not have a significant
15 effect on instream flows or freshwater inflows to bays and
16 estuaries. If the executive administrator determines that an
17 amendment qualifies for adoption in the manner provided by this
18 subdivision, the regional water planning group may adopt the
19 amendment at a public meeting held in accordance with Chapter 551,
20 Government Code. The amendment must be placed on the agenda for the
21 meeting, and notice of the meeting must be given in the manner
22 provided by Chapter 551, Government Code, at least two weeks before
23 the date the meeting is held. The public must be provided an
24 opportunity to comment on the amendment at the meeting.

25 SECTION 2.08. Subsection (r), Section 16.053, Water Code,
26 as added by Chapter 1097, Acts of the 79th Legislature, Regular
27 Session, 2005, is amended to read as follows:

1 (r) The board by rule shall provide for reasonable
2 flexibility to allow for a timely amendment of a regional water
3 plan, the board's approval of an amended regional water plan, and
4 the amendment of the state water plan. If an amendment under this
5 subsection is ~~]~~ to facilitate planning for water supplies
6 reasonably required for a clean coal project, as defined by Section
7 5.001, the ~~.—The~~ rules may allow for amending a regional water
8 plan without providing notice and without a public meeting or
9 hearing under Subsection (h) if the amendment does not:

10 (1) significantly change the regional water plan, as
11 reasonably determined by the board; or

12 (2) adversely affect other water management
13 strategies in the regional water plan.

14 SECTION 2.09. Subchapter E, Chapter 16, Water Code, is
15 amended by adding Section 16.1311 to read as follows:

16 Sec. 16.1311. PRIORITY FOR WATER CONSERVATION. The board
17 shall give priority to applications for funds for implementation of
18 water supply projects in the state water plan by entities that:

19 (1) have already demonstrated significant water
20 conservation savings; or

21 (2) will achieve significant water conservation
22 savings by implementing the proposed project for which the
23 financial assistance is sought.

24 SECTION 2.10. Chapter 16, Water Code, is amended by adding
25 Subchapter K to read as follows:

26 SUBCHAPTER K. WATER CONSERVATION

27 Sec. 16.401. STATEWIDE WATER CONSERVATION PUBLIC AWARENESS

1 PROGRAM. (a) The executive administrator shall develop and
2 implement a statewide water conservation public awareness program
3 to educate residents of this state about water conservation. The
4 program shall take into account the differences in water
5 conservation needs of various geographic regions of the state and
6 shall be designed to complement and support existing local and
7 regional water conservation programs.

8 (b) The executive administrator is required to develop and
9 implement the program required by Subsection (a) in a state fiscal
10 biennium only if the legislature appropriates sufficient money in
11 that biennium specifically for that purpose.

12 Sec. 16.402. WATER CONSERVATION PLAN REVIEW. (a) Each
13 entity that is required to submit a water conservation plan to the
14 commission under this code shall submit a copy of the plan to the
15 executive administrator.

16 (b) Each entity that is required to submit a water
17 conservation plan to the executive administrator, board, or
18 commission under this code shall report annually to the executive
19 administrator on the entity's progress in implementing the plan.

20 (c) The executive administrator shall review each water
21 conservation plan and annual report to determine compliance with
22 the minimum requirements established by Section 11.1271 and the
23 submission deadlines developed under Subsection (e) of this
24 section.

25 (d) The board may notify the commission if the board
26 determines that an entity has violated this section or a rule
27 adopted under this section. Notwithstanding Section 7.051(b), a

1 violation of this section or of a rule adopted under this section is
2 enforceable in the manner provided by Chapter 7 for a violation of a
3 provision of this code within the commission's jurisdiction or of a
4 rule adopted by the commission under a provision of this code within
5 the commission's jurisdiction.

6 (e) The board and commission jointly shall adopt rules:

7 (1) identifying the minimum requirements and
8 submission deadlines for the annual reports required by Subsection
9 (b); and

10 (2) providing for the enforcement of this section and
11 rules adopted under this section.

12 SECTION 2.11. Section 17.125, Water Code, is amended by
13 adding Subsection (b-2) to read as follows:

14 (b-2) The board shall give priority to applications for
15 funds for implementation of water supply projects in the state
16 water plan by entities that:

17 (1) have already demonstrated significant water
18 conservation savings; or

19 (2) will achieve significant water conservation
20 savings by implementing the proposed project for which the
21 financial assistance is sought.

22 SECTION 2.12. Chapter 35, Water Code, is amended by adding
23 Section 35.020 to read as follows:

24 Sec. 35.020. PUBLIC PARTICIPATION IN GROUNDWATER MANAGEMENT
25 PROCESS. It is the policy of the state to encourage public
26 participation in the groundwater management process in areas within
27 a groundwater management area not represented by a groundwater

1 conservation district.

2 SECTION 2.13. Subsection (b), Section 212.0101, Local
3 Government Code, is amended to read as follows:

4 (b) The Texas [~~Natural Resource Conservation~~] Commission on
5 Environmental Quality by rule shall establish the appropriate form
6 and content of a certification to be attached to a plat application
7 under this section.

8 SECTION 2.14. Subsection (b), Section 232.0032, Local
9 Government Code, is amended to read as follows:

10 (b) The Texas [~~Natural Resource Conservation~~] Commission on
11 Environmental Quality by rule shall establish the appropriate form
12 and content of a certification to be attached to a plat application
13 under this section.

14 SECTION 2.15. (a) Chapter 9, Water Code, is repealed.

15 (b) The Texas Water Advisory Council is abolished on the
16 effective date of this article.

17 SECTION 2.16. Sections 15.102 and 17.125, Water Code, as
18 amended by this article, and Sections 15.9751 and 16.1311, Water
19 Code, as added by this article, apply only to an application for
20 financial assistance filed with the Texas Water Development Board
21 on or after the effective date of this article. An application for
22 financial assistance filed before the effective date of this
23 article is governed by the law in effect on the date the application
24 was filed, and the former law is continued in effect for that
25 purpose.

1 ARTICLE 3. UNIQUE RESERVOIR SITES AND SITES OF UNIQUE ECOLOGICAL
2 VALUE

3 SECTION 3.01. LEGISLATIVE FINDINGS. The legislature finds
4 that:

5 (1) the development of new water supplies to meet the
6 growing demand for water is necessary for the sound economic
7 development of this state and is of concern and importance to this
8 state;

9 (2) feasible sites for new reservoirs are identified
10 as having unique value in the 2006 regional water plans and the 2007
11 state water plan;

12 (3) most of the proposed reservoirs are also part of
13 recommended strategies for fulfilling identified needs in the 2007
14 state water plan that may occur as early as 2010 and 2020;

15 (4) it is necessary to preempt actions that could
16 circumvent the state's primacy over surface water in the state; and

17 (5) designation of these sites as unique reservoir
18 sites or river or stream segments of unique ecological value is
19 necessary for the sound economic development of this state, for the
20 protection of natural resources, and for the purpose of promoting
21 the public health, safety, and general welfare of this state.

22 SECTION 3.02. DESIGNATION OF UNIQUE RESERVOIR SITES. The
23 legislature, as authorized by Subsection (g), Section 16.051, Water
24 Code, designates the following sites as having unique value for the
25 construction of a dam and reservoir and further determines that the
26 sites are necessary to meet water supply needs:

27 (1) Lower Bois d'Arc reservoir, to be located on Bois

1 d'Arc Creek in Fannin County, upstream from the Caddo National
2 Grasslands Wildlife Management Area;

3 (2) Lake Ralph Hall reservoir, to be located on the
4 North Sulphur River in southeast Fannin County, north of the city of
5 Ladonia;

6 (3) Marvin Nichols reservoir, to be located on the
7 Sulphur River upstream from its confluence with White Oak Creek;
8 the dam will be located in Titus and Red River Counties and the
9 reservoir will also impound water in Franklin County;

10 (4) Lake Fastrill reservoir, to be located on the
11 Neches River in Anderson and Cherokee Counties, downstream from
12 Lake Palestine;

13 (5) Tehuacana Creek reservoir, to be located on
14 Tehuacana Creek in Freestone County, south of the Richland-Chambers
15 reservoir, with the two lakes to be connected by a channel;

16 (6) Bédias reservoir, to be located on both Bédias and
17 Caney Creeks in portions of Grimes, Madison, and Walker Counties;

18 (7) Brushy Creek reservoir, to be located near the
19 city of Marlin in central Falls County;

20 (8) Little River reservoir, to be located on the
21 Little River upstream from its confluence with the Brazos River in
22 Milam County;

23 (9) Little River off-channel reservoir, to be located
24 northwest of the city of Milano in Milam County, on Beaver Creek, a
25 tributary of the Little River;

26 (10) Texana Stage II reservoir, also known as Palmetto
27 Bend, to be located on the Lavaca River in Jackson County above the

1 confluence with the Navidad River;

2 (11) Goldthwaite channel dam reservoir, to be located
3 on the Colorado River west of the city of Goldthwaite and downstream
4 from the existing diversion structure;

5 (12) Wheeler Branch off-channel reservoir, to be
6 located on the Wheeler Branch tributary of the Paluxy River and
7 north of the city of Glen Rose in Somervell County;

8 (13) Cedar Ridge reservoir, to be located on the Clear
9 Fork of the Brazos River upstream from its confluence with Paint
10 Creek and in Throckmorton, Shackelford, and Haskell Counties;

11 (14) Lake 07 reservoir, to be located in southeastern
12 Lubbock County, to impound developed water resources discharged
13 into Yellowhouse Canyon as part of the Canyon Lakes System, also
14 known as the Jim Bertram Lake System;

15 (15) Lake 08 reservoir, to be located in southeastern
16 Lubbock County, to impound developed water resources discharged
17 into Yellowhouse Canyon as part of the Canyon Lakes System, also
18 known as the Jim Bertram Lake System;

19 (16) Nueces off-channel reservoir, to be located west
20 of Lake Corpus Christi in south central Live Oak County, to be
21 linked to Lake Corpus Christi by pipeline and operated as part of
22 the Choke Canyon-Lake Corpus Christi reservoir system;

23 (17) Ringgold reservoir, to be located on the Little
24 Wichita River in Clay County approximately one-half mile upstream
25 from its confluence with the Red River;

26 (18) Muenster reservoir, to be located on Brushy Elm
27 Creek in western Cooke County; and

1 (19) Brownsville Weir and reservoir, to be located on
2 the lower Rio Grande in Cameron County; the proposed project
3 consists of a weir structure across the channel of the river
4 approximately eight miles downstream from the city of Brownsville.

5 SECTION 3.03. DESIGNATION OF SITES OF UNIQUE ECOLOGICAL
6 VALUE. The legislature, as authorized by Subsection (f), Section
7 16.051, Water Code, designates those river or stream segment sites
8 recommended in the 2007 state water plan as being of unique
9 ecological value.

10 SECTION 3.04. RESTRICTION ON ELIGIBILITY TO HOLD WATER
11 RIGHTS; LIABILITY FOR CONSTRUCTION, OPERATION, AND MAINTENANCE
12 COSTS. (a) This section applies only to a proposed reservoir
13 listed in Subdivision (3), Section 3.02 of this Act, that is to be
14 located in the Region D Regional Water Planning Area.

15 (b) The right to appropriate at least 20 percent of the
16 quantity of water that is authorized to be appropriated from each
17 proposed reservoir must be held by one or more entities located in
18 the regional water planning area in which the reservoir is to be
19 located.

20 (c) If one or more entities located outside the regional
21 water planning area in which a proposed reservoir is to be located
22 are to hold the right to appropriate a majority of the quantity of
23 water that is authorized to be appropriated from the reservoir,
24 that entity or those entities must pay all of the costs of
25 constructing, operating, and maintaining the reservoir until such
26 time as one or more entities located in the regional water planning
27 area in which the reservoir is to be located begins diverting water.

1 At such time, the entity or entities making a diversion shall pay a
2 pro-rata share of the cost of operating and maintaining the
3 reservoir.

4 SECTION 3.05. STUDY COMMISSION ON REGION C WATER SUPPLY.

5 (a) The Study Commission on Region C Water Supply is established.
6 The study commission consists of six members as follows:

7 (1) three members appointed by the Region C Regional
8 Water Planning Group; and

9 (2) three members appointed by the Region D Regional
10 Water Planning Group.

11 (b) A member of the study commission may be, but is not
12 required to be, a voting member of the regional water planning group
13 that appointed the member.

14 (c) The members of the study commission shall select a
15 presiding officer from among the members.

16 (d) Members of the study commission are not entitled to
17 compensation for service on the study commission but may be
18 reimbursed for travel expenses incurred while conducting the
19 business of the study commission, as provided for in the General
20 Appropriations Act.

21 (e) The study commission shall:

22 (1) review the water supply alternatives available to
23 the Region C Regional Water Planning Area, including obtaining
24 additional water supply from Wright Patman Lake, Toledo Bend
25 Reservoir, Lake Texoma, Lake o' the Pines, and other existing and
26 proposed reservoirs;

27 (2) in connection with the review under Subdivision

1 (1) of this subsection, analyze the socioeconomic effect on the
2 area where the water supply is located that would result from the
3 use of the water to meet the water needs of the Region C Regional
4 Water Planning Area, including:

5 (A) the effects on landowners, agricultural and
6 natural resources, businesses, industries, and taxing entities of
7 different water management strategies; and

8 (B) in connection with the use by the Region C
9 Regional Water Planning Area of water from Wright Patman Lake, the
10 effect on water availability in that lake and the effect on
11 industries relying on that water availability;

12 (3) determine whether water demand in the Region C
13 Regional Water Planning Area may be reduced through additional
14 conservation and reuse measures so as to postpone the need for
15 additional water supplies;

16 (4) evaluate measures that would need to be taken to
17 comply with the mitigation requirements of the United States Army
18 Corps of Engineers in connection with any proposed new reservoirs,
19 including identifying potential mitigation sites;

20 (5) consider whether the mitigation burden described
21 by Subdivision (4) of this subsection may be shared by the Regions C
22 and D Regional Water Planning Areas in proportion to the allocation
23 to each region of water in any proposed reservoir;

24 (6) review innovative methods of compensation to
25 affected property owners, including royalties for water stored on
26 acquired properties and annual payments to landowners for
27 properties acquired for the construction of a reservoir to satisfy

1 future water management strategies;

2 (7) evaluate the minimum number of surface acres
3 required for the construction of proposed reservoirs in order to
4 develop adequate water supply; and

5 (8) identify the locations of proposed reservoir sites
6 in the Regions C and D Regional Water Planning Areas using satellite
7 imagery with sufficient resolution to permit land ownership to be
8 determined.

9 (f) The study commission may not be assisted by any person
10 that is a party to or is employed by a party to a contract to perform
11 engineering work with respect to site selection, permitting,
12 design, or construction of the proposed Marvin Nichols reservoir.

13 (g) The Texas Water Development Board, on request of the
14 study commission, may provide staff support or other assistance
15 necessary to enable the study commission to carry out its duties.
16 The Texas Water Development Board shall provide funding for the
17 study commission, including funding of any studies conducted by the
18 study commission, from the regional planning budget of the board.

19 (h) Not later than December 1, 2010, the study commission
20 shall deliver a report to the governor, lieutenant governor, and
21 speaker of the house of representatives that includes:

- 22 (1) any studies completed by the study commission;
23 (2) any legislation proposed by the study commission;
24 (3) a recommendation as to whether Marvin Nichols
25 should remain a designated reservoir site; and
26 (4) other findings and recommendations of the study
27 commission.

1 (i) The study commission is abolished and this section
2 expires December 31, 2011.

3 SECTION 3.06. EFFECTIVE DATE. This article takes effect
4 immediately if this Act receives a vote of two-thirds of all the
5 members elected to each house, as provided by Section 39, Article
6 III, Texas Constitution. If this Act does not receive the vote
7 necessary for immediate effect, this article takes effect September
8 1, 2007.

9 ARTICLE 4. LEGISLATIVE JOINT INTERIM COMMITTEE

10 SECTION 4.01. (a) In this section, "committee" means the
11 joint interim committee on state water funding.

12 (b) The committee is composed of eight members as follows:

13 (1) the chair of the Senate Committee on Natural
14 Resources and the chair of the House Committee on Natural Resources
15 who shall serve as joint chairs of the committee;

16 (2) three members of the senate appointed by the
17 lieutenant governor; and

18 (3) three members of the house of representatives
19 appointed by the speaker of the house of representatives.

20 (c) An appointed member of the committee serves at the
21 pleasure of the appointing official.

22 (d) The committee shall meet at least annually with the
23 executive director of the Texas Commission on Environmental Quality
24 and the executive administrator of the Texas Water Development
25 Board to:

26 (1) receive information on water infrastructure needs
27 as identified in the state water plan;

1 (2) receive information on infrastructure cost and
2 funding options to be used by local entities to meet the needs
3 identified in the state water plan;

4 (3) receive analyses of the funding gap and
5 recommendations on how to address those funding needs;

6 (4) receive information on whether all water fees
7 assessed are sufficient to support the required regulatory
8 water-related state program functions and activities; and

9 (5) identify viable, sustainable, dedicated revenues
10 and fee sources, or increases to existing revenue and fees, to
11 support state water programs and to provide for natural resources
12 data collection and dissemination, financial assistance programs,
13 and water resources planning, including funding to implement water
14 management strategies in the state water plan.

15 (e) The committee may hold hearings and may request reports
16 and other information from state agencies as necessary to carry out
17 this section.

18 (f) The Senate Committee on Natural Resources and the House
19 Committee on Natural Resources shall provide staff necessary for
20 the committee to fulfill its duties.

21 (g) Not later than December 1, 2008, the committee shall
22 report to the governor, the lieutenant governor, and the speaker of
23 the house of representatives on the committee's activities under
24 Subsection (d) of this section. The report shall include
25 recommendations of any legislative action necessary to address
26 funding needs to support the state's water programs and water
27 infrastructure needs.

1 ARTICLE 5. EFFECTIVE DATE

2 SECTION 5.01. Except as otherwise provided by this Act,
3 this Act takes effect September 1, 2007.