

Bullock Calls Water Issues Major Priority

Lieutenant Governor Bob Bullock began the 1997 Session of the Texas Legislature by announcing that state water issues were a major priority. To address these issues, Sen. Buster Brown (R-Lake Jackson) filed Senate Bill No. 1 (SB1) entitled "An Act Relating to the Development of the Water Resources of the State; Providing Penalties."

Shortly thereafter, State Rep. Ron Lewis (D-Mauriceville) filed a companion bill (HB 5) in the House which was identical to SB1.

SB1, as files, was an omnibus bill that proposed a number of amendments to the Texas Water Code. The bill was 166 pages long and addressed varied issues affecting state and local water resources and the development, financing, and management of those resources.

As with any major piece of legislation, many different entities from all over the state have been commenting on SB 1. As of this writing, the Senate has passed the bill with several committee changes as well as twelve floor amendments. The engrossed bill changes SB 1 in two primary ways. First, the requirement of state drought planning by TWDB has been replaced by regional planning. As currently proposed, the TWDB would designate areas for regional planning. These regional planning groups would be responsible for drafting regional water plans, which would then be submitted to the TWDB for review and approval.

Second, the engrossed bill scales back the powers that were proposed to be given to groundwater districts. Specifically, the power to assess administrative penalties has been removed from the proposed legislation.

Two of the more interesting amendments allocate authority. According to one amendment, if voters fail to create a ground water district in a priority groundwater management area, then, the TNRCC and the TWDB can issue a report to recommend the creation of a groundwater district by the Legislature. Another recommendation could be the annexation of a priority groundwater management district into an existing district by the Legislature or the management of the area by the nearest TNRCC regional office.

Another amendment creates a legislative audit review. Under this amendment the state auditor, with the assistance of the TNRCC, the TWDB and the Parks and Wildlife Department, determines whether a district is actively engaged in achieving the objectives of the district's long-term management plan.

The proposed bill, however, contains a number of controversial sections.

Given the time remaining before the legislative session ends, it is still impossible to predict what form SB 1 will take when and if it is finally passed. However, given the all-encompassing nature of the legislation, this is one bill worth watching.