



SAN ANTONIO

RIVER AUTHORITY

Leaders in Watershed Solutions

RWA
May 9, 2013
State Legislative Update

Presentation Outline

- Water Plan & Environmental Flows Study Funding
- Political Subdivision Oversight
- Illegal Fill in Floodplain Mitigation Tool
 - Illegal Dumping
- Tree Ordinance and Aquifer Protection Ordinances

Water Plan and E-Flows Funding

- SB 1: Passed Senate 3/20
 - Passed House with amendments
 - Passed amendment for e-flows funding contingent on passage of HB 4 and HB 11, or something similar
 - In conference committee aiming to be complete by 5/10
- HB 4 and SB 4: Creates State Water Implementation Fund for Texas (SWIFT)
 - Differences to be settled in conference committee

House Bill 11 and other funding

- HB 11: Mechanism to transfer \$2 Billion from economic stabilization fund (rainy day fund)
 - Point of Order has slowed momentum
 - April 29th, the day the bill was brought to the House floor, was the 112th day of the 83rd session. Under House rules cannot consider obligating funds until a budget is passed or at least until the 118th day of the session.
 - Point of Order can be cured
- SJR 1: Senate proposition to fund education and water and transportation infrastructure at \$5.7 billion
 - House leadership has said sending to voters is “punting” legislature’s responsibility
- HB 19: Addressed transportation and water infrastructure
 - Never voted out of House Appropriations
- Special Session for water funding a possibility

Water Plan and E-Flows Funding cont.

Amend **CSSB1** on page XI-11 of the items for the Water Development Board in Article XI, add the following rider:

Contingency for Study of the Environmental Flows and Instream Flows for River Basins. Contingent on the enactment of **HB4, or similar legislation** related to the creation of the state water implementation fund for Texas, and **HB11, or similar legislation**, providing an appropriation from the Economic Stabilization Fund to support that legislation, in addition to amounts appropriated above, the Texas Water Development board is appropriated \$2,000,000 for the purposes of continued study of the environmental flows and instream flows for river basins. The selection of the basins shall be determined by the Science Advisory Committee and approved by the Environmental Flows Advisory Group.

Political Subdivision Oversight

- SB and HB 14
 - HB 14: Fiscal transparency and accountability of political subdivisions
 - Heard on House floor on 5/3
 - Point of Order related to keeping complete minutes killed HB 14
 - SB 14: Committee Substitute voted out of Senate Finance subcommittee on 5/6
 - Another committee substitute for was introduced and voted out of the full Senate Finance committee on 5/7.
 - On Senate Intent calendar 5/9

Political Subdivision Oversight

- HB 2362 / SB 1092 – River authority subject to an efficiency review by the Legislative Budget Board
 - In Senate not yet referred to a committee 5/3
 - House engrossed version does not state river authorities to incur expenses
 - States the LBB “may” review river authorities
- SARA submitted written testimony ‘on’ the bill explaining current audits and their associated costs
- SB 1092 has not received a hearing

Political Subdivision Oversight

- HB 3397 – Requires political subdivisions (school districts, junior college districts and entities receiving SWIFT funds exempted) to conduct comprehensive self-evaluations once every six years, publish written self-evaluation report and hold public hearing on the self-evaluation.
 - Passed House on 5/2
 - Referred to Senate Finance on 5/8

Floodplain Ordinance Bills

- COSA initiative to combat illegal fill of floodplains within city limits
- HB 1554 (Rodriguez) and SB 1087 (Campbell)
 - SARA testifying in support of bills and sent letter of support to both committees in which the bills have been heard
 - CSHB 1554 referred to Senate Local and Uncontested Calendar on 5/8
 - CSSB 1087 reported favorably from committee on 4/29

County Solid Waste Management

- HB 1516 voted favorably from House Environmental Regulation on 4/9
 - Not reported from committee until 4/18
 - Bracketed to Bexar County so does not apply to other counties within SARA's political jurisdiction
 - Scheduled on House Calendar on 5/8

Tree Ordinance Bills

- HB 1377 – would apply to San Antonio’s Tree Ordinance
 - Opposed by COSA, Bexar County, SARA, EAA, SAWS, City of Austin and others
 - Reported from committee on 5/3
 - Due to procedural hurdles likely won’t move forward but must be attentive to germane bills with momentum
- HB 1858 – A committee substitute is to be introduced that will exclude San Antonio from the bill’s purview
 - Due to author’s work with San Antonio and others the local community did not oppose the substitute
 - Reported from committee on 4/15

Aquifer Protection and Tree Ordinance Bills

- SB 1918: Filed by Campbell on 4/29
 - Would remove expiration dates from land development permits
 - Scheduled to be heard by subcommittee of Senate State Affairs on 5/8 however hearing was cancelled

Aquifer Protection and Tree Ordinance Bills (cont)

- SB 1919: Filed by Campbell on 4/29
 - If an ordinance or regulation would require more than 55% of the surface area of an owner's private real property rights remain natural or undeveloped it is a conservation easement which requires
 - The consent of the owner; OR
 - The exercise of the power of eminent domain
 - Scheduled to be heard by subcommittee of Senate State Affairs on 5/8 however hearing was cancelled



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SAWS Legislative Agenda 2013

- **Certainty for Groundwater District Permits**
 - HB 2739 (Rep. Trey Martinez Fischer)
 - 30 year term for groundwater permits with periodic review by districts
 - Bill set on House Calendar May 9th
 - HB 1796 (Rep. Jason Isaac)
 - Automatic renewals for groundwater district permits as long as same usage
 - Bill set on House Calendar May 9th
- **Ease Groundwater District Rules for the Development of Brackish Water**
 - HB 2578 (Rep. Lyle Larson)/SB 1760 (Senator Carlos Uresti)
 - Development of brackish groundwater zones where rules will be developed to incentivize production.
 - HB 2578 on House Calendar May 8th, SB 1760 is pending in Senate Natural Resources Committee
- **Protection of Aquifer Storage & Recovery (ASR) facilities from Adverse Groundwater District Regulation**
 - HB 3013(Rep. Lyle Larson)
 - Prohibits groundwater conservation districts from permitting ASR projects and district rules must be protective of stored water
 - Bill set on House Calendar May 8th
- **Establishment of a Mechanism and Funding for the State Water Plan**
 - HB 4 (Rep. Allan Ritter)/SB 4 (Senator Troy Fraser)
 - Establishes the State Water Implementation Fund for Texas (SWIFT) to provide a revolving loan program to fund the State Water Plan
 - HB 4 will go to conference committee to resolve differences between House and Senate
 - Appropriation of \$2 Billion in Rainy Day money to fund the SWIFT
 - Potential for appropriation of money in alternate vehicles after HB 11 returned to committee on procedural error
 - SJR 1 (Senator Tommy Williams) provides for \$2 Billion by constitutional vote