

The Quorum Report

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GOVERNOR MAY RE-AUTHORIZE WATER STUDY COMMISSION

Key lawmakers describe death of omnibus water bill

Gov. Rick Perry is expected to sign an executive order re-authorizing the *Study Commission on Water for Environmental Flows* to evaluate surface water permitting and other recommendations for the next legislative session.

The commission was a key participant in Article I of *Senate Bill 3*, the omnibus water bill that died in the House during the 79th Legislature. Its work was designed to better regulate the balance between environmental and municipal needs regarding surface water.

During the 2003 legislative session, *Senate Bill 1639* by **Sen. Todd Staples (R-Palestine)** created the commission, and its recommendations were included in SB 3. When the bill died, essentially the commission did, too. Its authority expired Sept. 1.

At the *2005 Texas Water Law Institute* today, state **Sen. Ken Armbrister (D-Victoria)** and **Rep. Robert Puente (D-San Antonio)** said the breakdown of Senate Bill 3 during the regular session was based on a number of things, especially Texas' historical tendency to be reactive.

Without a drought or a budget surplus, it's been an insurmountable challenge to pass important – but expensive – legislation to implement the state's 50-year water plan, the chairmen of the House and Senate natural resources committees said.

Armbrister likened the failure of SB 3 to the need for “re-evaluation” of the state’s evacuation plans post Hurricane Rita. The lack of city planning was apparent during his own extended journey to flee Victoria during the pre-*Hurricane Rita* exodus, he said.

“All of a sudden, there’s a push to re-evaluate....It’s been the same way with criminal justice, transportation. That’s been our history,” Armbrister said.

Ten years ago, the Legislature started planning for Texas’ water needs with the 50-year plan laid out in *Senate Bills 1 and 2*. These measures were designed to ensure that in 50 years, water needs for the state’s doubled population could be met. The total price for implementation is at least \$98 billion. Puente noted these measures were enacted a time when the state had both surplus funds and widespread drought. At this point, the state hasn’t been able to implement the plans and as a result, the 50-year plan is 10 years behind.

SB 3 included provisions to generate \$119 million each year to begin implementing the plan. The fee structure came under fire as many believed it equated double-taxation. Money collected locally could be spent elsewhere in the state.

Puente said the bill had trouble in the House because provisions to regulate groundwater districts riled many locally elected groundwater management officials. They feared the legislation would stifle local control, and they took their voices and their local political clout to their House members. Those members were compelled to placate their constituents, he said. However, Puente said the Legislature needs to establish uniform rules on groundwater management because isolated incidents of abuse and unfairness in permitting is a problem.

Armbrister and Puente said they have asked for interim charges to include many objectives SB 3 tried to achieve, including study of the impediments to funding the water plan; public and private partnerships, and improving disaster response for water security.