

BILL ANALYSIS

C.S.S.B. 413
By: Seliger
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the agriculture industry is vital to Texas' economy and uses a large amount of water relative to the rest of the state. The parties contend that because of agriculture's impact on water use in Texas, agricultural interests should be represented on the Texas Water Development Board. C.S.S.B. 413 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

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

ANALYSIS

C.S.S.B. 413 amends the Water Code to revise the requirement that one of the three members of the Texas Water Development Board (TWDB) have experience in the field of engineering, one member have experience in the field of public or private finance, and one member have experience in the field of law or business to instead require that two members have experience in at least one of those fields, with one of these two members having experience in a field that the other member does not have, and that the remaining member be actively engaged in the business of farming or animal husbandry or another business related to agriculture and wholly or partly own or lease land used in connection with an agriculture-related business.

C.S.S.B. 413 requires one member, for purposes of the requirement that appointments to the TWDB be made in such a manner that the members reflect the diverse geographic regions and population groups of Texas, to reside in a rural area and be a registered voter of a county with a population of less than 355,000. The bill prohibits a member who resided in such a county at the time the member was appointed from being removed from the TWDB on the ground that the population of the county no longer meets that requirement. The bill's provisions do not affect the eligibility of a member serving immediately before the bill's effective date to continue to serve on the TWDB for the term to which the member was appointed. The bill requires the governor, not later than February 1, 2021, to appoint members of the TWDB as necessary to ensure that the TWDB's composition complies with the bill's provisions.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 413 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Sections 6.052(a) and (b), Water Code, are amended to read as follows:

(a) The board is composed of three members who are appointed by the governor with the advice and consent of the senate. One member may ~~must~~ have experience in the field of engineering, one member may ~~must~~ have experience in the field of public or private finance, and one member may ~~must~~ have experience in the field of law or business, provided that at all times one member must:

- (1) be actively engaged in the business of farming or animal husbandry or another business related to agriculture; and
- (2) wholly or partly own or lease land used in connection with a business described by Subdivision (1) ~~[must have experience in the field of law or business].~~

(b) The governor shall make the appointments in such a manner that the members:

- (1) reflect the diverse geographic regions and population groups of this state, provided that one member resides in a rural area and is a registered voter of a county with a population of less than 355,000; and
- (2) do not have any conflicts of interest prohibited by state or federal law.

SECTION 2. Section 6.054, Water Code, is amended.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 6.052, Water Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1) and (a-2) to read as follows:

(a) The board is composed of three members who are appointed by the governor with the advice and consent of the senate.

(a-1) One member appointed under Subsection (a) must:

- (1) be actively engaged in the business of farming or animal husbandry or another business related to agriculture; and
- (2) wholly or partly own or lease land used in connection with a business described by Subdivision (1).

(a-2) The remaining members appointed under Subsection (a) must have experience in at least one of the following fields, with one of those members having experience in a field that the other member does not have:

- (1) ~~[of]~~ engineering;
- (2) ~~[, one member must have experience in the field of]~~ public or private finance; or
- (3) ~~[, and one member must have experience in the field of]~~ law or business.

(b) The governor shall make the appointments in such a manner that the members:

- (1) reflect the diverse geographic regions and population groups of this state, provided that one member resides in a rural area and is a registered voter of a county with a population of less than 355,000; and
- (2) do not have any conflicts of interest prohibited by state or federal law.

SECTION 2. Same as engrossed version.

SECTION 3. The changes in law made by this Act relating to the qualifications for membership on the Texas Water Development Board do not affect the eligibility of a member of the board serving immediately before the effective date of this Act to continue to serve on the board for the term to which the member was appointed. Not later than February 1, 2021, the governor shall appoint members of the board as necessary to ensure that the composition of the board complies with Section 6.052, Water Code, as amended by this Act.

SECTION 4. This Act takes effect September 1, 2015.

SECTION 3. Same as engrossed version.

SECTION 4. Same as engrossed version.