

Water Environment
Association of Texas

88th Texas Legislative Session:

It's Always a Water Session in Texas

Heather Cooke, City of Austin, Austin Water
Ty Embry, Lloyd Gosselink Rochelle
& Townsend, P.C.
Julie Nahrgang, WEAT | TACWA

88th Regular Legislative Session
July 20, 2023



88th Regular Session of the Texas Legislature:

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Key Dates:

November 8 – Election Day

November 14 – 1st day of prefiling

January 10 – 1st day of 88th Lege

March 10 – Bill Filing Deadline

May 29 – Sine Die – Final Day

June 18 – Veto Deadline





88th Regular Session Bill Metrics:

Bills Filed:

88th – 8,153

16% passage rate

14% increase in bills filed

87th – 6,919

86th – 7,281

85th – 6,654



BAILES	FLORES	JOHNSON, JD.	MUÑOZ	SPILLER
BELL, C.	FRANK	JOHNSON, JE.	MURR	STUCKY
BELL, K.	FRAZIER	JONES, J.	NEAVE CRIADO	SWANSON
BERNAL	GÁMEZ	JONES, V.	NOBLE	TALARICO
BHOJANI	GARCIA	KACAL	OLIVERSON	TEPPER
BONNEN	GATES	KING, K.	ORDAZ	THIERRY
BOWERS	GERDES	KING, T.	ORR	THIMESCH
BRYANT	GEREN	KITZMAN	ORTEGA	THOMPSON, E.
BUCKLEY	GERVIN-HAWKINS	KLICK	PATTERSON	THOMPSON, S.
BUCY	GOLDMAN	KUEMPEL	PAUL	TINDERHOLT
BUMGARNER	GONZÁLEZ, J.	LALANI	PEREZ	TOTH
BURNS	GONZALEZ, M.	LAMBERT	PLESA	TROXCLAIR
BURROWS	GOODWIN	LANDGRAF	PRICE	TURNER
BUTTON	GUERRA	LEACH	RAMOS	VANDEAVER
CAN	GUILLEN	LEO-WILSON	RANEY	VASUT
CHAMBERS	HARLESS	LONGORIA	RAYMOND	VO
CHAVEZ	HARRIS, C.E.	LOPEZ, J.	REYNOLDS	WALLE
CHAVEZ, G.	HARRIS, C.J.	LOPEZ, M.	ROGERS	WILSON
CHAVEZ, R.	HARRISON	LOPEZ, R.	ROMERO	WU
CHAVEZ, S.	HAYES	LOPEZ, T.	ROSE	ZWIENER
CHAVEZ, V.	HEFNER	LOPEZ, W.	ROSENTHAL	
CHAVEZ, X.	HERNANDEZ	LOPEZ, Y.	SCHAEFER	
CHAVEZ, Z.	HERRERO	LOPEZ, A.	SCHATZLINE	
CHAVEZ, B.	HINOJOSA	LOPEZ, B.	SCHOFIELD	



88th Texas Legislature: The Big 3 and Big Issues

- Budget Surplus
- Property Taxes
- Border Security/Law Enforcement
- Education/Voucher Program
- Electrical Grid
- Broadband
- Preempting local reg/'Death Star' Bill
- **Social/Cultural Issues**
Banning DEI offices, LGBTQ issues,
Tenure Review, Parental Bill of Rights,
Sexually explicit shows





88th Special Session(s)

Water Environment Association of Texas

- May 29, 2023 Sine Die for Regular Session
- May 29, 2023 First Special Session called 9 PM
 - Limited to 30 Days
 - Limited to Governor's Topics
 - Property Tax reform
 - Border Security
- June 27, Second Special Session
 - Property Tax reform
- Fall, Third Special Session, School Choice

And the Great Divide(s)





Embracing California Dade



Dade Phelan
@DadePhelan



Stoked for some tasty waves on the Texas Coast this summer after #txlege hits its gnarly Sine Die!

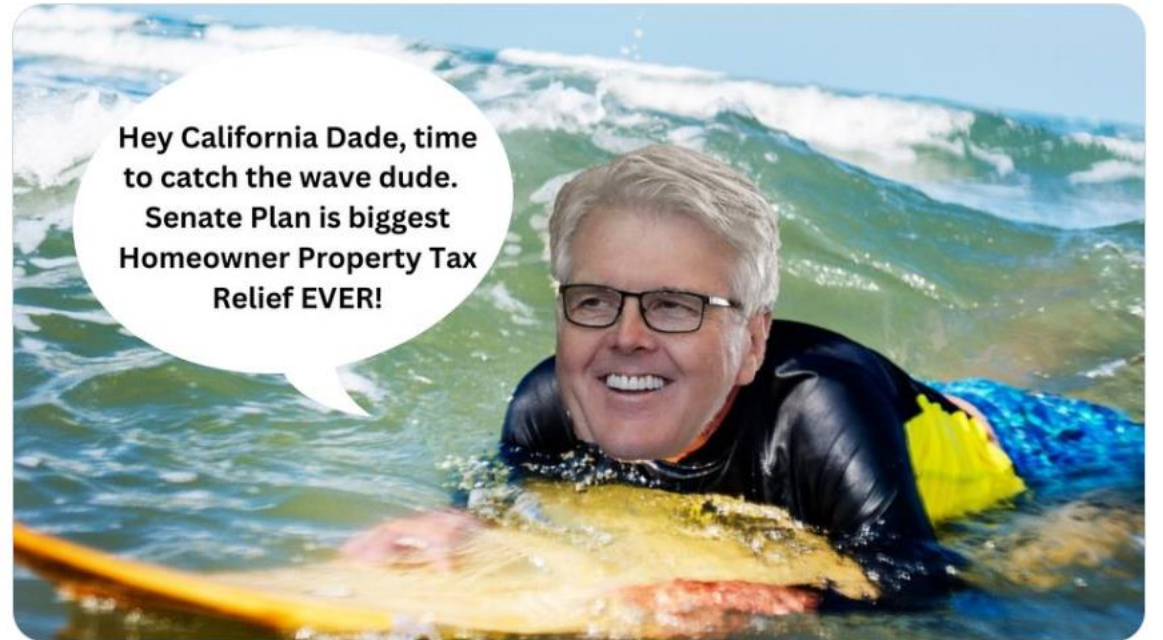


1:18 PM · Apr 25, 2023 · 238.9K Views

34 Retweets 73 Quotes 282 Likes 11 Bookmarks



Office of the Lieutenant Governor Dan Patrick ✓
@LtGovTX



4:27 PM · May 9, 2023 · 10.1K Views

11 Retweets 2 Quotes 47 Likes 1 Bookmark



Senate Committees

New and Familiar Faces

Senate Water, Agriculture & Rural Affairs Committee

Position	Member
Chair:	<u>Sen. Charles Perry</u>
Vice Chair:	<u>Sen. Kelly Hancock</u>
Members:	<u>Sen. Cecar Blanco</u> <u>Sen. Pete Flores</u> <u>Sen Roland Gutierrez</u> <u>Sen. Nathan Johnson</u> <u>Sen. Lois W. Kolkhorst</u> <u>Sen. Kevin Sparks</u> <u>Sen Drew Springer</u>

Committee
Meetings 8AM
Monday Mornings

Water Environment Association of Texas





88th Texas Legislative Session:

New and Familiar Faces

House Natural Resources Committee

Water Environment Association of Texas

Position

Chair:

Vice Chair:

Members:

Member

[Rep. Tracy O. King](#)

[Rep. Ed Thompson](#)

[Rep. Erin Elizabeth Gamez](#)

[Rep Kyle Kacal](#)

[Rep Stan Kitzman](#)

[Rep. Suleman Lalani](#)

[Rep. Will Metcalf](#)

[Rep Four Price](#)

[Rep. Ana-Maria Ramos](#)

[Rep Glenn Rogers](#)

[Rep Erin Zwiener](#)

Committee
Meetings 8AM
Tuesday Mornings





The Great Water Loss

State Rep. Tracy King, a moderate Democrat in a Republican-leaning district, announces retirement

Water Environment Association of Texas



Rep. Four Price declines to run for eighth term in Texas House



88th Texas Legislative Session:

New and Familiar Faces

House Environmental Regulation Committee

Water Environment Association of Texas

Position

Chair:

Vice Chair:

Members:

Member

[Rep. Brooks Landgraf](#)

[Rep. R.D. "Bobby" Guerra](#)

[Rep. Keith Bell](#)

[Rep Jay Dean](#)

[Rep Janie Lopez](#)

[Rep. John Kuempel](#)

[Rep. Penny Morales Shaw](#)

[Rep. Thresa "Terry" Meza](#)

[Rep Ron Reynolds](#)

Committee Meetings

10:30AM Thursday





Bangin' the Infrastructure Drum

- Abbott State of the State Address
- Senate Water, Agriculture, and Rural Affairs Interim Report
- Sunset Self-Review and LARs
 - TCEQ
 - TWDB - \$729M
- The general milieu
 - Jackson Mississippi
 - Boil water notices
 - Federal Wastewater Consent decrees
 - Water quality and supply general anxiety
 - Supply chain disruption and rail workers strike





88th Texas Legislature: The Water Caucus

Water Environment Association of Texas

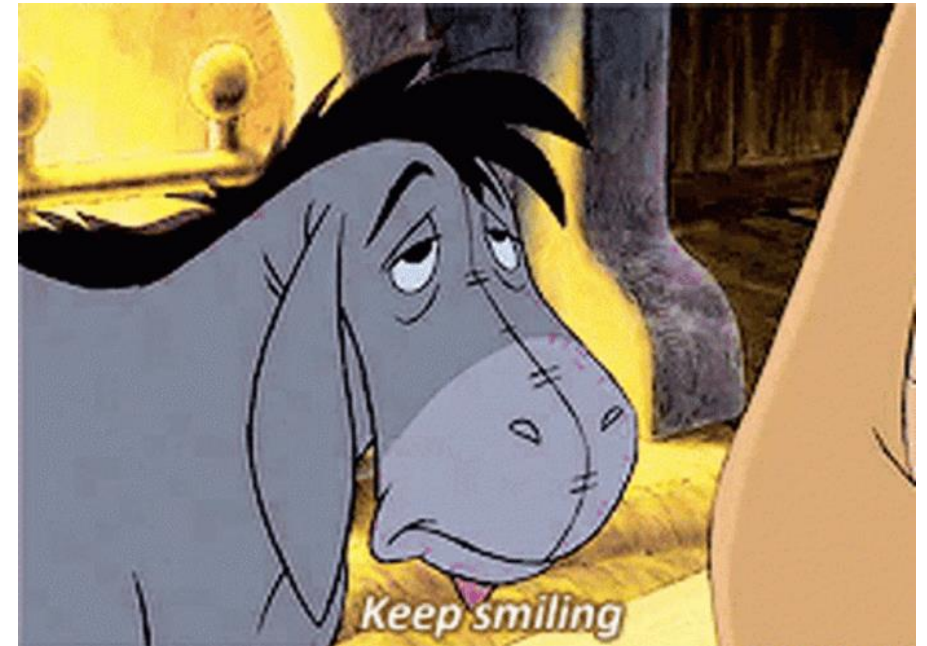
- Spearheaded by Texas Water Foundation
- Texas' First House Water Caucus
- Mission is to highlight the state's fragile water infrastructure
- 70+ legislators signed on
- Bipartisan effort
- Chaired by Rep. Tracy King





88th Texas Legislature: The Budget Surplus

- \$34 billion left over from 2022-2023 biennium
- \$10 billion reserved for highway funds and state's rainy day fund
- Water Caucus + Infrastructure Investment + Budget Surplus = Water Infrastructure Funding?????





88th Texas Legislature:

"Texas has made a generational investment in water this year – one that we know isn't enough."

Water Infrastructure Highlights

- \$1 billion TWF (SB 28/SJR 75)
- \$625 million to FIF (fund Texas Flood Infrastructure Projects)
- \$550 million coastal barrier (GCPD)
- \$125 million SFR matching (draw down federal money and unlock \$750 m)
- \$3 million rural tech assistance + \$1.7 m rural project \$



88th Texas Legislature: The Texas Water Fund

SB 28/HB 10 (Perry/King) Relating to financial assistance provided and programs administered by the Texas Water Development Board

- Creates an umbrella fund, Texas Water Fund. \$1B appropriated (if SJR 75 passes)
 - TWDB can transfer to various funds:
 - NWSF
 - SWIFT
 - SRF
 - Rural Water Assistance Fund
 - Statewide Public Awareness Account
 - Creates **New Water Supply Fund** administered by TWDB
 - Desal projects
 - Produced water projects
 - ASR projects
 - Develop infrastructure to transport water made available by NWSF projects
- Emphasis on shovel ready projects
- Focus on rural and mid-size systems with 150K or less service area



SJR 75 – Is a constitutional amendment to create the Water for Texas Fund



88th Texas Legislature: Taking the Wins

- Sunset (TCEQ, TWDB, PUC)
- Water Infrastructure
- Licensing Requirements
- Groundwater
- Surface Water
- Catch-all





88th Texas Legislature TCEQ Sunset Bill



HB 1505/SB 1397 (Bell/Schwertner) relating to the continuation and functions of the Texas Commission on Environmental Quality

- Electronic Posting of Permits on website (at time it's admin complete)/public comment period open after public meeting
- Public comment period remains open for 36 hours after contested case hearing
- Develop manuals that clearly delineate the policy making responsibilities of the commission and the management responsibilities of the ED and TCEQ staff



88th Texas Legislature TWDB and SWIFT AC Sunset Bill



HB 1565/ SB 1351 (Canales/Perry et. al.) relating to the functions of the Texas Water Development Board and the continuation and functions of the State Water Implementation Fund for Texas Advisory Committee

- Feasibility review of certain projects in the State Water Plan
- Regional planning group may plan for drought conditions worse than the drought of record
- Develop performance goals and metrics
- Different standards of review and approval of design criteria for wastewater collection, treatment, and discharge



88th Texas Legislature PUC, ERCOT, OPUC



HB 1500 (Holland) Relating to the continuation and functions of the Public Utility Commission of Texas and the Office of Public Utility Counsel, and the functions of the independent organization certified for the ERCOT power region

- Updated training for Commissioners
- Requires PUC to allow public testimony on each meeting agenda unrelated to a contested case
- Many electric-related changes on Senate Floor
- Comprehensive review of W/WW rules, processes, guidance, data



88th Texas Legislature Licensing Requirements and Workforce

ation of Texas



HB 1845/SB 650 (Metcalf/Perry)- Relating to the licensing requirements for certain operators of wastewater systems and public water systems

Issue 11: Shortage of Water and Wastewater Operators

A. Brief Description of Issue

TCEQ's Occupational Licensing and Registration Division (OLRD) has primary jurisdiction over ten occupational licensing programs, including Water and Wastewater operator licenses. Over the last ten years, as the population of Texas has grown, there has been a steady decline in the number of licensed water and wastewater operators per capita in Texas. If this trend continues, Texas will experience a significant shortage of licensed water and wastewater operators.



88th Texas Legislature Groundwater



SB 2440 (Perry) Relating to requiring certain plats for the subdivision of land to include proof of groundwater supply

HB 1971 (Ashby) Relating to the procedures for acting on a permit or permit amendment application by a groundwater conservation district and the disqualification of board members of groundwater conservation districts

HB 3059 (King) Relating to the export fee charged for the transfer of groundwater from a groundwater conservation district.

HB 4256 (Murr) Relating to establishing and funding a grant program to plug leaking water wells in certain counties.



88th Texas Legislature Surface Water



SB 1289 (Perry) Relating to the disposal of reclaimed wastewater

SB 296/HB 2460 (Perry/King) – Relating to a requirement that the TCEQ obtain or develop updated water availability models for certain river basins

HB 3810 (Landgraf/Perry) – Relating to certain notices provided to the TCEQ by public water systems

HB 3232 (Rogers) Relating to the suspension of an enforcement action against a regional water supply, sewer, or wastewater treatment service for a violation committed by a retail public utility being integrated into the regional service.



88th Texas Legislature Catch-all



HB 2178/SB 943 (Hunter/Kolkhorst) – Relating to the publication of notices by a governmental entity on the Internet websites of a newspaper and Texas Press Association

SB 1047/HB 2757 (Perry/Tepper) Relating to funding and activities of the Texas Produced Water Consortium

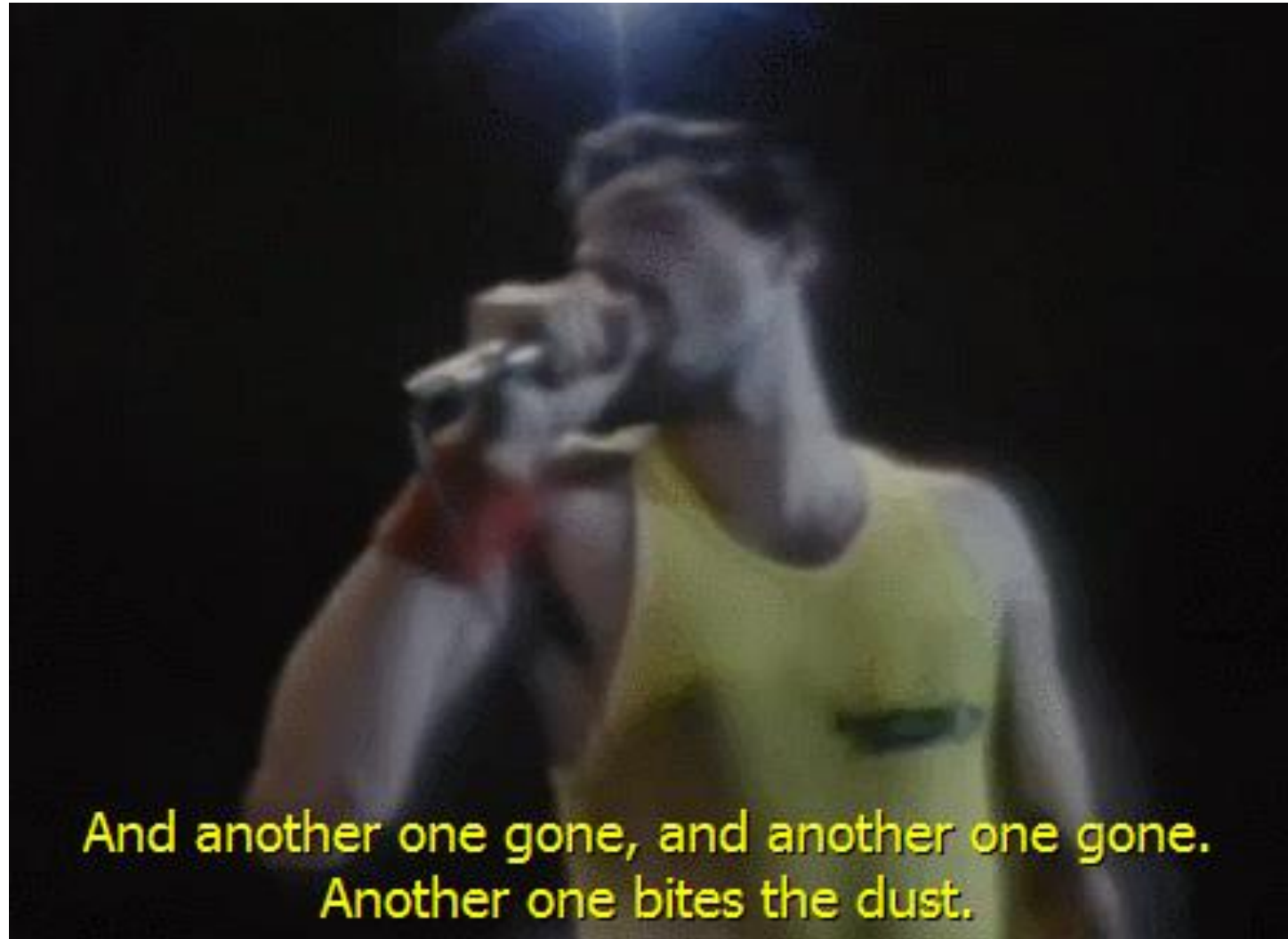
SB 1093 (Schwertner) Relating to facilities included in the electricity supply chain

SB 2182/HB 4742 (LaMantia/Lopez) Relating to the provision of financial assistance from the flood infrastructure fund for certain projects.



88th Texas Legislature In Memoriam: Lost Bills

Water Environment Association of Texas





88th Texas Legislature The Mighty **VETO** Pen

SB 2192 (Hall) – Relating to the contents of a petition filed with the Commission for Environmental Quality

Water Environment Association of Texas

While Senate Bill No. 2192 is important, it is simply not as important as cutting property taxes. At this time, the legislature must concentrate on delivering property tax cuts to Texans. This bill can be reconsidered at a future special session only after property tax relief is passed.

Since the Eighty-Eighth Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I
have signed my name officially
and caused the Seal of the State to
be affixed hereto at Austin, this
18th day of June, 2023.


GREG ABBOTT
Governor of Texas



88th Texas Legislature The Mighty **VETO** Pen

HB 981/SB 813 (Lopez, Ray)- Relating to providing notice to a state representative and senator of certain administrative actions of the Texas Commission on Environmental Quality

Senate Bill No. 813 would add unnecessary bureaucratic duties to what is already required by Texas law. Our goal should be to eliminate bureaucracy, not add to it.

Since the Eighty-Eighth Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I
have signed my name officially
and caused the Seal of the State to
be affixed hereto at Austin, this
16th day of June, 2023.



GREG ABBOTT
Governor of Texas

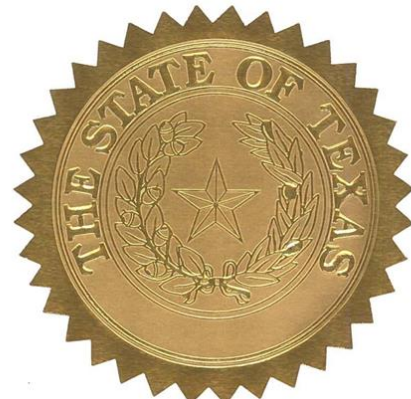


88th Texas Legislature The Mighty **VETO** Pen

HB 4106 (Alvarado) - Relating to the procedure for resolving certain customer complaints before the Public Utility Commission of Texas

While House Bill No. 4106 is important, it is simply not as important as education freedom. At this time, the legislature must concentrate on delivering education freedom to Texans. This bill can be reconsidered at a future special session only after education freedom is passed.

Since the Eighty-Eighth Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.



IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 18th day of June, 2023.


GREG ABBOTT
Governor of Texas



88th Texas Legislature:

Transparency and TPDES Notice



HB 2369 (Kitzman, Stan) –Relating to publishing on an Internet website notices concerning certain National Pollutant Discharge Elimination Systems permits. **(Heard in HNRC, 3/28 hearing)**

CSHB 2369 (Kitzman) –

- The commission shall consider and accommodate residents of each area affected by a proposed NPDES permit... who may need assistance accessing notice published by electronic means because of a lack of access... to Internet services
- **Only applies to counties with populations of 300,000 or greater**
- **Must publish notice in newspaper if switching to online**
- **TCEQ will add TPDES to list serve**





Water Quality High Priority Tracking

<https://www.weat.org/legislative-issues-updated>

Water Environment Association of Texas

88th Session High Priority Water Quality Bills Passed

Bill	Sponsor	Summary	Status
HB 1500	Holland, Justin	Relating to the continuation and functions of the Public Utility Commission of Texas and the Office of Public Utility Counsel, and the functions of the independent organization certified for the ERCOT power region.	Sent to the Governor 5/30/23



88th Texas Legislature Wastewater Testing, TPDES, and Wipes... Oh My!



WW Testing

SB 2552 (Middleton)- Relating to test gathering requirements for certain wastewater treatment facilities
(Referred to SWAR Committee, 3/23)

Wipes

HB 2595 (Rosenthal, Jon) – Relating to the advertisement of disposable wipes as flushable (Referred to HERC, 3/13)

TPDES – Local Rules

HB 4819 (Martinez, Armando) – Relating to the applicability of local regulations to certain facilities issued a water quality permit by the TCEQ. (Referred to Senate WAR Committee, 5/23)



88th Texas Legislature

Transparency and (TPDES) Notice



Water Environment Association of Texas

HB 50/SB 844 (Ordaz Perez, Claudia/Blanco, Cesar) –Relating to the provision by the Texas Commission on Environmental Quality of certain information in a language other than English. (Referred to HERC 2/23)

HB 390 (Howard, Donna) – Relating to the Internet broadcast or audio recording of certain open meetings.
(Refiled from 87th) (Passed House and Referred to to B&CC 4/26)

HB 622 (Shaheen, Matt) – Relating to the publication of required notice by a political subdivision by alternative media
(Refiled from 87th) (Was not heard on House Floor)





88th Texas Legislature:

Transparency and (TPDES) Notice



HB 657 (Bailes, Ernest) –Relating to internet posting of notice by governmental entities and representatives as an alternative to newspaper publication of notice. (Refiled from 87th)

HB 933 (Dutton, Harold) – Relating to the notice of intent to obtain a permit from the TCEQ. (Refiled from 87th) (Referred to HERC 3/02)





88th Texas Legislature: Transparency and Notice



HB 2863 (Leo-Wilson) – Relating to publication of certain notices on the Internet website of a newspaper (Referred to House State Affairs Committee 3/14)

HB 4373 (Canales) – Relating to the procedure by which a regional planning group is required to provide notice of certain public meetings or hearings



88th Texas Legislature Contested Case and Permitting



SB 223 (Campbell, Donna) – Relating to public meetings held by the TCEQ on permitting of wastewater treatment facilities
(Referred to SWAR Committee 2/15)

HB 411 (Collier, Nicole) - Relating to changes to an application for an environmental permit before a contested case hearing. (Refile 87th) (Referred to HERC 2/23)

HB 441 (Lopez, Ray) – Relating to providing notice to a state representative and senator of an administrative penalty assessed by the TCEQ. (Refile 87th) (Referred to HERC 2/23)



88th Texas Legislature Contested Case, Permitting, and EJ



HB 934 (Dutton Harold) – Relating to the definition of “affected person” for purposes of a contested case hearing held by or for the TCEQ regarding certain environmental permit applications. (Refile 87th) (Referred to HERC 3/2)

HB 642 (Reynolds, Ron)- Relating to the establishment of the Texas Environmental Justice Advisory Council
(Referred to HERC 2/23)



88th Texas Legislature Disaster and Climate Planning



HB 585 (Raymond) relating to the creation by TCEQ of a plan to protect water treatment facilities from catastrophes ([Set on House Calendar 5/11](#))

HB 973 (Zweiner) relating to the creation and uses of the critical infrastructure resiliency fund and the eligibility of certain water-related projects for state financial assistance ([Referred to House State Affairs Committee 3/02](#))

SB 53 (Zaffirini) relating to financial assistance by the Texas Water Development Board for backup power generators in economically distressed areas for public water supply and sanitary sewer systems ([Referred to Senate Ag, Water, Rural Affairs Committee 2/15](#))

HB 57 (Zwiener, Erin) – Relating to a climate change planning report ([Refile 87th](#)) ([Referred to HERC 2/23](#))

HB 846 (Reynolds) – Relating to the creation of the Climate Change Impact Assessment Council ([Referred to HERC 3/01](#))



88th Texas Legislature Drinking Water



HB 583 (Raymond)/SB 382 (Zaffirini) relating to the production by the TCEQ of an annual report on public drinking water supply systems. (Left pending in HNRC)

HB 1123 (Gervin-Hawkins) relating to the adoption of a healthy and safe school water plan by public schools. (Referred to House Public Education Committee 3/2)

SB 456 (Menendez) relating to the adoption of a healthy and safe school water plan by public schools. (Different bill from HB 1123)
(Referred to Senate Education Committee)



88th Texas Legislature Drinking Water



HB 1612 (Lozano)/SB 594 (Zaffirini) relating to requirements for the charges for service from public drinking water supply systems ([Left Pending in Committee](#))

SB 40 (Zaffirini) relating to the establishment of a boil water notice alert system. ([Referred to SWAR 2/15](#))



88th Texas Legislature Produced Water and Desal



HB 3884 (Landgraf) Relating to the regulation and management of produced water from oil and gas operations ([Referred ER 3/20](#))

HB 1889 (Tinderholt) Relating to a study of seawater desalination processes used in Israel and the feasibility of using similar processes in Texas ([Referred HNRC 3/07](#))

HB 4320 (Shaw) Relating to the disclosure of certain chemicals included in hydraulic fracturing treatments ([Referred ER 3/21](#))



88th Texas Legislature Funding Ad-hoc



SB 2183/HB 3796 (LaMantia/Lopez) Relating to a task force to analyze the provision of financial assistance from the flood infrastructure fund for the improvement of artificial drainage systems in certain coastal and border regions.



88th Texas Legislature Funding Ad-hoc



SB 2234/HB 4299 (LaMantia/Lopez) Relating to the provision of financial assistance by the Texas Water Development Board for the development of certain projects in economically distressed areas. ([Heard HNRC 4/11](#))

SB 2503 (Alvarado) Relating to the use of money in the Texas infrastructure resiliency fund to finance projects related to natural disaster relief.



88th Texas Legislature Funding Ad-hoc



HJR 167 (Lopez) – Proposing a constitutional amendment to increase the amount of bonds issued by the TWDB to provide financial assistance for the development of certain projects in economically distressed areas.

HJR 169 (Clardy) – Proposing a constitutional amendment for the dedication of certain sales and use tax revenue to special fund established in the state treasury to pay for water infrastructure in the state.



88th Texas Legislature Catch-All



HB 3090 (Lalani) Relating to the authority of a county to maintain a sewer utility

SB 2541 (Blanco) – Relating to the establishment and administration of the Water Technical Assistance Consortium by the TWDB



88th Texas Legislature Contract Restrictions



HB 982 (Toth) relating to a prohibition on contracts with certain companies that use certain environmental, social, and governance criteria. (Was not heard in State Affairs Committee)

HB 1033 (Tepper) relating to prohibiting the use of political tests by governmental entities and certain government contracts. (Referred to House State Affairs 3/02)



88th Texas Legislature Water Rights



HB 874/SB 894 (Bowers/Zaffirini) – Relating to an exemption to the cancellation of a water right for nonuse. ([Passed House Referred to SWARC](#))

HB 2515 (Rogers, Glenn) – Relating to the repeal of the junior priority of a water right authorizing a transfer of water from one river basin in the state to another river basin in the state. ([Referred to HNRC 3/13](#))

HB 5279 (Wilson) – Relating to a prohibition on inter basin transfers of state water ([Referred to HNRC 3/24](#))

HB 4445/SB 1988 (Gerdes/Perry) – Relating to water loss in water delivery systems for certain municipally owned water utilities. ([Left pending in HNRC](#))

HB 4874 (Bailes) – Relating to notice of a water right amendment filed with the TCEQ regarding a change in purpose of use. ([Left pending in HNRC](#))



88th Texas Legislature

Water Loss, Water Rates, Water Access...



HB 4328/SB 1334 (Bell/Creighton) – Relating to rates established by municipalities for water or sewer service for certain entities ([Referred to Senate Local Government Committee 3/16](#))

SB 2202 (Zaffirini) – Relating to an assessment of the condition of certain water utilities ([Referred to SWAR 3/22](#))

HB 4872 (Rogers) Relating to the reporting of plugging certain wells. ([Passed House and Referred to NRED 5/12](#))

SB 2291 (Zaffirini) Relating to the plugging of abandoned or deteriorated water wells; authorizing a fee ([Referred to SWAR 3/22](#))



88th Texas Legislature Groundwater



SB 2379 (Schwertner) Relating to the definition of the Edwards Aquifer for the purposes of an aquifer storage and recovery project

HB 4444 (King, Tracy) Relating to the conservation and waste of groundwater (Referred to HNRC and SWARC)



88th Texas Legislature Groundwater



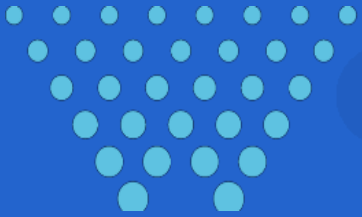
HB 4891 (Rogers) Relating to the adoption and achievement of desired future conditions for aquifers by groundwater conservation districts. (Heard, 3/28 HNRC)

SB 2362 (Eckhardt/Blanco/Johnson) Relating to establishing an advisory board to study surface water and groundwater interaction. (Referred to SWARC 3/23)



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