



SIERRA CLUB

LONE STAR CHAPTER

Position on SB 28 and SJR 75 in Conference Committee

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Dear Chairman Perry, Chairman King, and members of the SB 28 Conference Committee and SJR 75 Conference Committee,

Sierra Club Lone Star Chapter offers this letter in ***strong support*** for the ***House*** versions of SB 28 and SJR 75, but will address some key points of distinction on SB 28.

(1) The House Version Provides for Relief to Texas's Most Vulnerable Communities by Including Economically Distressed Areas

The House Floor Amendment by Representative Ramos that added economically distressed areas to the priority areas in Sec. 15.054(1) is an integral part of bolstering Texas water and making water available to *all* Texans. It would be a clear equity issue to prioritize only rural communities and those of smaller populations without placing the same emphasis on continued water service and maintenance to those areas that are economically disadvantaged. There are struggling communities in Texas that experience similar concerns as the outlined rural counterparts that would be considered neither rural political subdivisions nor incorporated into a municipality that has fewer than 150,000 people. Moreover, we want to be sure that this legislation aids communities that have faced historical disinvestment. This integral provision within the House version assures that the Texas Water Development Board (TWDB) will prioritize Texas's most vulnerable communities in the same way that we expect the Board will prioritize rural and small communities as a result of this legislation.

(2) The House Version of New Subchapter C-1 Sec. 15.153 is More Likely to Result in Solutions to Bolstering Texas’s Water Supply Rather than Expensive and Potentially Infeasible Projects.

The House approach to this section in particular gives substantial discretion, where warranted, to TWDB. The goal of good legislation should be to empower and enable the expert agency to solve problems — rather than prescribe specific, expensive, and ineffective solutions. The House version accomplishes this by giving TWDB specific avenues to begin to analyze such as produced water and desalination, but also encourages TWDB to analyze exactly what inefficiencies exist in Texas water as it stands and to correct them. “New water” should mean new to our supply, and the creation of any additional acre-feet of water would provide significant relief to Texas water supplies. As I noted in written testimony provided to the Senate Committee on Water, Agriculture, and Rural Affairs earlier in the session, one fundamental issue with this concept of the new water supply fund was that it **picks outcomes for addressing Texas’s water supply rather than processes**. Worse than forcing a square peg into a round hole; the Senate version hands a square peg to the TWDB without even knowing what shape the hole is, and with little room to adjust.

We also strongly support the deletion of grants to entities for research. Though if that provision is to return, the provision should ensure that TWDB should not disburse grant funding to entities other than institutions of higher education. It is not the place of the state to provide research subsidies, on the taxpayer’s dime, for the economic profit of individuals and wealthy corporations.

(3) The House Addition of New Sections 16.026 and 16.027 are Integral to Promoting Responsible Water Stewardship in Texas

As everyone on this committee knows: water is life. Promoting a culture of respect and reverence for our limited water in Texas is integral to solving our water supply needs. By fully equipping TWDB to engage in public education, the state will in turn protect its limited water resources. As people continue to move into our beloved state, we need to be sure that all Texans understand the challenges we face relating to water. And this program ought to be about more than just water conservation, as we know that the factors affecting our water supplies are more varied and complex than simply

population and crumbling infrastructure: including pollution and both more severe drought and flooding as a result of climate change.

(4) The Senate Version of Sec. 15.054(2) Better Protects Texans From Pollution.

The House version gives additional discretion to TWDB to effectively determine when funding can be approved depending on whether permitting has been “substantially completed”. As a whole, permitting is a black and white distinction. Projects are either fully permitted or not fully permitted. This degree of discretion to TWDB is concerning, given that it would not necessarily require an entity to have done more than to *apply* for relevant permits. Permits for varying facilities across Texas exist to protect both our natural resources and our communities from harm. The Senate version **did not** have the word “substantially” immediately preceding completed. Only once projects have been fully permitted should they be eligible for funding under this section.

(5) Conclusion

On the whole, the House versions of SB 28 and SJR 75 are substantially more likely to result in solutions to solving Texas’s water issues. I strongly encourage members to exercise caution about what will actually offer **long-term solutions** to Texans and our families rather than demanding expensive projects with unproven results, funded by taxpayers.

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