

III. History and Major Events

The following history reflects the progress of the state to protect and preserve the water resources of Texas beginning with the first constitutional amendment in 1904 and including the creation of the Texas Water Development Board and the Texas Water Development Fund by constitutional amendment in 1957 and the Texas Water Commission in 1962.

1904	A constitutional amendment was adopted authorizing the first public development of water resources.
1913	The 33rd Texas Legislature created the Board of Water Engineers to regulate appropriations of water.
1957	<p>The TWDB was created by legislative act and constitutional amendment. The constitutional amendment, approved by Texas voters, authorized the TWDB to issue \$200 million in State of Texas general obligation Water Development bonds for the conservation and development of Texas' water resources through loans to political subdivisions. Additionally, Chapter II of the Laws of the First Called Session of the 57th Legislature, titled "the Texas Water Planning Act of 1957" created a Water Resources Planning Division within the State Board of Water Engineers.</p> <p><i>The statewide drought of record that lasted almost eight years ended, resulting in 244 out of 254 Texas counties being declared disaster areas.</i></p>
1962	The Board of Water Engineers was reorganized, renamed the Texas Water Commission, and given specific responsibilities for water planning by the 57th Texas Legislature. An additional constitutional amendment added powers to the TWDB regarding the acquisition and development of storage facilities in reservoirs using the Texas Water Development Fund.
1965	The Texas Legislature restructured the state water agencies, transferred water resource planning functions to the TWDB, and renamed the Texas Water Commission as the Texas Water Resource Commission.
1970	President Richard Nixon established the U.S. Environmental Protection Agency (EPA)
1972	The Texas Natural Resources Information System (TNRIS) was created, succeeding the Texas Water-Oriented Data Bank and incorporating a centralized repository and clearinghouse of maps, census information, and water-related information.
1977	<p>The three existing water agencies:</p> <ul style="list-style-type: none"> • the Texas Water Development Board; • the Texas Water Rights Commission; and • the Water Quality Board <p>were combined by the Texas Legislature, creating the Texas Department of Water Resources. This new agency was responsible for developing Texas' water resources, maintaining the quality of water, and ensuring equitable distribution of water rights.</p>
1985	Sunset legislation reorganized the Texas Department of Water Resources, splitting the agency into two separate agencies: the Texas Water Commission and the Texas Water Development Board. The TWDB was charged with long-range planning and water project financing. Four constitutional amendments were passed that 1) added \$980 million in bond authorization for water, water quality enhancement, and flood control projects; 2) gave authority for the TWDB to create special funds in the treasury; 3) created a bond insurance program; and 4) authorized the TWDB to provide financial assistance to nonprofit water supply corporations.
1987	Congress established the Clean Water State Revolving Fund through the Clean Water Act Amendments of 1987, creating a permanent, state-administered financial assistance program for water pollution abatement projects.
1989	The 71st Texas Legislature and voters of the state passed comprehensive legislation and constitutional amendments establishing the Economically Distressed Areas Program, to be administered by the TWDB.

1993	The North American Development Bank and Border Environment Cooperation Commission were created through the North American Free Trade Agreement. The Bank and Commission charges included financial assistance for water and wastewater projects along the Texas-Mexico border.
1996	Congress established the Drinking Water State Revolving Fund through the Safe Drinking Water Act Amendments of 1996, creating a state-administered financial assistance program for drinking water infrastructure projects.
1997	<p>The 1997 State Water Plan was adopted as a consensus effort by the TWDB, the Texas Parks and Wildlife Department, and the Texas Natural Resources Conservation Commission (now the Texas Commission on Environmental Quality or Texas Commission on Environmental Quality).</p> <p>The 75th Texas Legislature passed Senate Bill 1, a landmark piece of legislation that began a new path for the water planning process in Texas. Senate Bill 1 charged local entities with preparing regional water plans every five years and charged the TWDB with incorporating these plans into a comprehensive state water plan.</p> <p>With enactment of Senate Bill 1, the Strategic Mapping Initiative was developed, and the Texas Geographic Information Council was formed.</p> <p>Sunset review resulted in the passage of Senate Bill 312, which preserved the existence of the TWDB for 12 more years and mandated program changes. The TWDB revised all forms and procedures and adopted all necessary rules required to implement program changes mandated in Senate Bill 312.</p>
2001	<p>The 2002 State Water Plan was published in late 2001, the first state water plan to be adopted by the TWDB since the passage of Senate Bill 1 by the 1997 Texas Legislature.</p> <p>The 77th Texas Legislature passed Senate Bill 2, which added additional requirements to the TWDB's technical data collection and groundwater modeling programs and created two new funding programs to be administered by the TWDB: the Water Infrastructure Fund and the Rural Water Assistance Fund. Senate Bill 2 also created the Texas Water Advisory Council, a 13-member organization of which the TWDB is a member.</p> <p>Voters approved \$2 billion in bond authorization under the Texas Constitution Amendment 19, Article III, Section 49-d-9.</p>
2003	The 78th Texas Legislature passed several bills focused on conservation: setting new requirements to address conservation issues when applying for financial assistance; requiring water audits by water utilities; consolidating financial assistance programs to provide financial assistance for agricultural water projects; and establishing the Water Conservation Implementation Task Force to review, evaluate, and recommend optimum levels of water use efficiency and conservation in the state.
2005	<p>The Economically Distressed Areas Program was changed from a border initiative to a statewide program, thus providing more money to the program and removing the moratorium on new projects.</p> <p>In 2005, with Executive Order No. RP-50, Governor Rick Perry created the Environmental Flows Advisory Committee, whose charge is to develop recommendations to establish a process that will achieve a consensus-based, regional approach to integrate environmental flow protection into the water allocation process while ensuring that human water needs are satisfied. The committee, made up of TWDB, Texas Commission on Environmental Quality, and Texas Parks and Wildlife representatives, examines relevant issues and makes recommendations for action and legislation concerning flow allocation to meet human and environmental needs at all times, including during drought conditions.</p> <p>The legislature passed House Bill 1763, which requires groundwater conservation districts within groundwater management areas to establish desired future conditions of their relevant aquifers.</p>

2007 Congress passed the Water Resources Development Act of 2007, which, as passed, included provisions to facilitate federal assistance in planning and developing water supply projects in Texas. Most notably, the Act authorized \$40 million for the Texas Environmental Infrastructure Program to support implementation of water supply strategies prioritized by the TWDB.

Senate Bill 3 was passed, and historic actions on water conservation, environmental flows, and reservoir site designation were made. Unprecedented funding to implement water management strategies and state water plan requests were included in the state's House Bill 1 budget. In addition, the TWDB received \$30.6 million over and above the agency's baseline for agency programs and administration and authority and funding to issue Water Infrastructure Fund bonds.

The National Flood Insurance Program was transferred from the Texas Commission on Environmental Quality to the TWDB.

Proposition 16, passed by voters in November, gave the TWDB \$250 million in bond authorization, providing funding for the Economically Distressed Areas Program.

2009 Congress passed the economic stimulus package titled the American Recovery and Reinvestment Act of 2009 (ARRA). EPA awarded over \$160 million in ARRA funds to the TWDB to help state and local governments finance improvements to water projects. EPA also awarded over \$179 million in ARRA funds to the TWDB to help state and local governments finance improvement to wastewater projects.

In the matter of *City of Dallas v. Hall and Texas Water Development Board v. United States Department of Interior, et al.*, the Fifth Circuit Court of Appeals affirmed the decision of the federal district court that the proposed Fastrill Reservoir is considered too speculative and remote to be relevant to the decision-making process of the U.S. Fish and Wildlife Service in establishing the acquisition boundaries for the Neches Wildlife Refuge. The decision suggested that specific, concrete measures toward the development of a specific reservoir must be in evidence before a court will provide anything more than a "highly deferential standard of review." Petition for writ of certiorari was filed by the TWDB and the City of Dallas with the U.S. Supreme Court in July 2009.

81st Legislative Session:

House Bill 2275 created the Task Force on Uniform County Subdivision Regulation to ensure that statutory provisions are consistent and clearly achieve the goals of promoting uniform subdivision standards in unincorporated counties near the international border and in economically distressed counties.

House Bill 2374, passed by the 81st Legislature, allowed political subdivisions to provide financial assistance to residents in economically distressed areas for the cost of connecting to a public water supply, connecting yard water service, installing indoor plumbing fixtures, or connecting to a sanitary sewer system.

House Bill 3861 directed the TWDB to exercise the discretion available under Texas Water Code §16.135(1) to include revenues from a political subdivision not currently under contract with the Angelina and Neches River Authority to participate in paying the costs of the site acquisition stage of the Lake Columbia Reservoir project; or a political subdivision not currently under contract to purchase a portion of the water to be supplied by the project.

House Bill 4110 granted the TWDB the authority to purchase and sell promotional items to further the purposes and programs of the agency.

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Senate Bill 1371 removed the requirement in current law that a colonia must consist of 11 or more dwellings if the TWDB determines the project will be beneficial and cost effective, thus removing a limitation on the number of small communities that may benefit from the program. The bill also allowed for a greater pool of sponsors, including political subdivisions, to be eligible for the program. Finally, Senate Bill 1371 allowed for advance financing, not to exceed 10 percent of the total grant, on a determination that participating utilities are sufficiently committed to actually providing service upon completion of the project.

Senate Bill 2312 clarified that entities eligible for other programs administered by the TWDB are also eligible to apply for financial assistance through the Water Infrastructure Fund, including nonprofit water supply corporations. Also removed a reference to an obsolete statutory reference and redefined “eligible political subdivision” to include nonprofit water supply corporations created and operating under Chapter 67 of the Texas Water Code and certain categories of districts, such as freshwater supply districts, special utility districts, and municipal utility districts, that had been excluded under the prior definition.