

Legislative Priorities Report

TWDB Priorities for the
87th Texas Legislative Session



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87th Texas Legislative Session

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Executive Summary

The mission of the Texas Water Development Board (TWDB) is to lead the state's efforts in ensuring a secure water future for Texas and its citizens. The TWDB is the state agency responsible for water supply and flood planning, financing, and research. It is our agency's mission to help ensure Texans plan and prepare for the perpetual threat of water scarcity and water surplus in our vast state.

To further our mission, the TWDB collects, analyzes, and distributes water and geographic data that helps businesses, citizens, local governments, and water providers make informed decisions on their water resources. Since its creation in 1957, the TWDB has been charged with addressing the state's water needs through planning and financial assistance. Local communities carry out the responsibility for providing water to their residents; however, the TWDB has a leadership and support role through guiding, enabling, and supporting the conservation and responsible development of the state's water resources. The agency coordinates regional water planning and prepares the state water plan to show Texans what actions are needed to achieve water security in times of drought. The TWDB also administers cost-effective financial assistance programs for water supply; wastewater treatment, distribution and collection; flood mitigation; and agricultural water conservation projects. Newly added to the agency's responsibilities as a result of the last legislative session is the development and rollout of the state's first regional flood planning process.

Section 6.156 of the Texas Water Code requires that the TWDB provide to the governor and members of the

legislature a biennial report that includes a statement of agency activities and recommendations for necessary and desirable legislation. This report includes the following four legislative recommendations, in priority order, that further our agency's mission and goals outlined in the TWDB's *Strategic Plan, 2021–2025*:

1. State water plan statutory updates
2. Interregional Planning Council support
3. Texas Open Meetings Act virtual allowance
4. Removal of obsolete and duplicative requirements

In conjunction with the TWDB's legislative priorities, this report also includes narrative summaries of the TWDB's Exceptional Item Requests included in the agency's *Legislative Appropriations Request* for Fiscal Years 2022–2023. These requests include, in priority order:

1. Restore State Revolving Fund match (\$3,439,699)
2. Mitigate information technology risk (\$1,172,500)
3. Improve critical data analysis capabilities for state water plan (\$2,677,500)
4. Provide funding for Economically Distressed Areas Program (EDAP) (\$2,587,500)
5. Fund increased costs for shared technology services (STS) (\$549,181)
6. Provide staff support to the Interregional Planning Council (\$114,500)

Agency Activities

The following sections highlight some of the recent accomplishments and initiatives that the TWDB intends to pursue in the next five years, as outlined in the TWDB's *Strategic Plan, 2021–2025*.

Flood initiatives

Since receiving new funding after the Central Texas floods of 2015, the TWDB has invested in a variety of flood science efforts to increase data collection, data dissemination, and studies to support improved flood forecasting and warning systems throughout Texas.

In response to Texas' first *State Flood Assessment* released in January 2019 and other efforts initiated in the wake of Hurricane Harvey, the 86th Texas Legislature and Governor Abbott greatly expanded the TWDB's role in flood planning, science, and financial assistance. In addition to our existing flood programs, the TWDB is administering a new state and regional flood planning process with flood planning regions based on river basins. As directed by Senate Bill 8 of the 86th Session, the TWDB must develop a regional flood planning process and form initial regional flood planning groups, with the first regional flood plans due in 2023 and the first state flood plan due in 2024. The TWDB has adopted rules to implement the new program and appointed members to the initial 15 planning groups, which began meeting in fall 2020.

Senate Bill 500 appropriated funding for Fiscal Years 2020–2021 for both regional flood planning activities and flood science initiatives that will support development of the regional and state flood plans. This funding will allow the TWDB to continue the agency's efforts to

- update flood risk maps;
- collect more flood-related data;
- advance its river and coastal modeling capabilities; and
- distribute critical flood information through an online dashboard.

Most significantly, the funding will allow the TWDB to contract for Base Level Engineering studies for watersheds across Texas. The data and models created by this

process empower community officials and the public by providing flood hazard information needed to make informed mitigation decisions. Further, these projects can be used as leverage for federal funding to complete additional mapping activities.

Recognizing the need for greater state resources to assist with implementing flood mitigation strategies, the legislature made a one-time transfer of \$793 million from the state's Economic Stabilization or "Rainy Day" Fund via Senate Bill 500 to create a new flood financial assistance program to be administered by the TWDB. The Flood Infrastructure Fund (FIF) program, as directed by Senate Bill 7 of the 86th Legislature, is designed to make drainage and flood projects more affordable for Texas communities and to meet immediate needs for funding with grants and low-interest loans. The TWDB adopted rules to implement the new program, and the first round of financial assistance commitments were made in the fall of 2020.

Finally, to implement another provision in Senate Bill 7, the TWDB, along with the General Land Office and Texas Division of Emergency Management, has created the Texas Flood Information Clearinghouse website as the first "one-stop-shop" for information on flood mitigation funding opportunities for Texas' communities. The goal of the site and its accompanying interagency committee is to help communities navigate state and federal programs that have differing eligibility and other requirements, as well as variable funding streams and application due dates. In the coming years, the TWDB will continue to work with state and federal partners to improve the site and the process that entities use to seek financial assistance for flood mitigation projects.

State water plan implementation

The agency looks forward to continuing the implementation of the *2017 State Water Plan* and the subsequent *2022 State Water Plan*, to be adopted by January 2022. The 2017 plan, which projects that Texas' population will increase more than 70 percent by 2070, recommends more than 5,500 strategies crafted to conserve existing water supplies and create additional supplies to ensure the needs of this growing population are addressed. The capital costs associated with implementing the *2017 State Water Plan*, as amended, are predicted to reach \$62.8

billion. Of the \$62.8 billion, approximately \$35 billion will support strategies associated with municipal water suppliers or wholesale water providers. The TWDB has the State Water Implementation Fund for Texas (SWIFT) and other financial assistance programs available to help finance these water management strategies. Revenue bonds for the SWIFT program are issued through the State Water Implementation Revenue Fund for Texas (SWIRFT).

The TWDB has committed nearly \$9 billion for state water plan projects in Texas through the SWIFT program, resulting in a savings of over \$1 billion for Texas water providers since the first funding cycle in 2015. Projects funded through SWIFT—transmission pipelines, major reservoirs, aquifer storage and recovery, canal linings, capacity expansions, groundwater wells, leak detection systems, water meter replacements, and wastewater reuse—will all help ensure that Texans have sustainable and reliable water sources for decades to come.

The TWDB has been successful in reaching financial transaction goals with each SWIRFT revenue bond sale. SWIRFT has received AAA bond ratings for all issuances to date, maximizing potential savings to program participants and the communities they serve. Through continued outreach to the investor community, strong benchmark pricing has been established for future revenue bond issuances. Future issuances will support implementation of projects in the current and future water plans.

Communications

In addition to other outreach efforts, the agency has continuously expanded its communications platforms to reach a greater number of stakeholders as well as the general public. In June 2020, the agency launched the Texas Water Newsroom, an online platform for members of the media and other stakeholders to source stories and content about Texas water. The Newsroom features TWDB-produced videos, articles, press releases, and more that can be reproduced in part or in full for educational and news purposes. Content is regularly updated and shared via social media and an e-newsletter to alert stakeholders of new stories.

Groundwater science initiatives

Groundwater is a major source of water supply in Texas and understanding where it's located and how much can

be used is an important initiative of the TWDB. The 86th Texas Legislature appropriated funding, as requested in the TWDB's 2018 *Legislative Appropriations Request*, to accelerate the mapping and characterization of brackish aquifers, those groundwater resources that are "salty" relative to typical freshwater because of higher dissolved mineral content. This important task may lead to designating brackish groundwater production zones in areas of the state with moderate to high availability and possible productivity. As a result, brackish groundwater in these areas may provide additional water supplies, thus reducing the use of fresh groundwater. The funding will also be used to update the agency's groundwater availability models from outdated, unsupported software and code to current best practice standards. Both activities will develop and refine critical inputs for the state water planning process and for managing groundwater resources.

Cybersecurity

The TWDB is acutely aware that state government faces a continuous stream of unknown threats that target IT infrastructure, users, and agency data. In 2019, the TWDB hired the agency's first 100-percent-dedicated Information Security Officer, who reports to executive management. To mitigate cybersecurity risks, the TWDB

- submits a biennial security plan to the Department of Information Resources;
- engages a third-party risk assessment of agency information resources;
- ensures agency IT security policies are reviewed and acknowledged by agency employees on an annual basis;
- performs external and internal vulnerability assessments against the agency's IT infrastructure, applications, and systems;
- conducts regular phishing exercises to train employees on how to detect phishing emails and remain vigilant to outside threats;
- performs regular disaster recovery exercises to ensure integrity of data and systems; and
- maintains a multilayered approach to protecting the IT infrastructure, including firewalls, intrusion

detection and prevention systems, and effective spam and malware filtering.

The TWDB is committed to continuously improving agency cybersecurity and is requesting an exceptional item for the 2022–23 biennium to further mitigate information technology risks.

Risk management

In May 2020, the TWDB's leadership team met to consider organizational risks that the agency faces going forward, particularly considering the TWDB's increasing level of statutory and operational responsibilities. Since 2013, the TWDB has seen a significant increase in key performance metrics, including the following:

- An increase in total assets managed from \$6.8 billion in 2013 to \$15.6 billion in Fiscal Year 2019, a 128 percent increase
- An increase in new financial assistance funds delivered from about \$500 million in Fiscal Year 2013 to nearly \$2.5 billion in 2019, a 400 percent increase
- An increase in par value of bonds issued from \$386 million in Fiscal Year 2013 to \$2.2 billion in Fiscal Year 2019, a 465 percent increase

Over the same timeframe, the agency's cap on full-time equivalent employees declined 11 percent; the number of active contracts has grown from 257 to 501; and the number of new financial assistance agreements closed or executed has increased from 98 to 158. Because of these and other considerations, agency leadership has identified several risks the agency could need to mitigate in the future, including but not limited to the following:

- Strategic risks such as challenges in managing competing state and agency priorities
- Financial risks related to cybersecurity threats
- Financial risks due to loan defaults from revenue-stressed entities as a result of the COVID-19 pandemic
- Occupational risks such as the ability to recruit and retain qualified employees because of mobility challenges and difficulties offering market-competitive salaries
- Compliance risks related to managing contracts in compliance with statute

- Reputational risks such as our ability to quickly respond to customers on social media, our ability to adequately maintain the quality and integrity of scientific data that we collect and maintain, and our capacity to satisfy the needs of our customers while meeting state and federal statutory and regulatory requirements

Considering ongoing risks and possible forthcoming state budget shortfalls resulting from the COVID-19 pandemic, agency leadership is working to develop and implement mitigation strategies to address the key risks identified.

Outcomes of the 86th Legislative Session

Along with general government legislation, the agency has worked to implement the following TWDB-related legislation from the 86th Legislative Session:

- HB 721, relating to studies of and reports on aquifer storage and recovery and aquifer recharge projects
- HB 722, relating to the development of brackish groundwater
- HB 807, relating to the state and regional water planning process
- HB 1052, relating to the use of the State Participation account of the Water Development Fund
- SB 7, relating to flood planning, mitigation, and infrastructure projects
- SB 8, relating to state and regional flood planning
- SB 563, relating to reporting information about the use of federal money for flood research, planning, and mitigation projects
- SB 2452, relating to financial assistance for the development of certain projects in economically distressed areas

Recommendations to the 87th Texas Legislature

1. State water plan statutory updates

The legislature should remove certain regional water planning duties that are underfunded and/or no longer informative.

Infrastructure financing report

The 77th Texas Legislature required each regional water planning group to examine and report on the financing needed to implement water management strategies and projects recommended in regional plans. This requirement serves to collect data for the TWDB to use in developing the state water plan, rather than supporting the development of information in regional water plans. Regional water planning groups have indicated that the survey effort required for this report is underfunded.

This required infrastructure financing report details how local entities propose to pay for projects in the plan and makes recommendations concerning the state's role in financing projects. The report provided a means to assess and corroborate financing needs in the years prior to the SWIFT program, and it was of great importance before affordable, ongoing financial assistance for projects in the state water plan was available through SWIFT. However, demand on the SWIFT program is currently a better indicator of the need for state assistance, and the TWDB continues to monitor and report on financing needs related to the SWIFT program.

Statutory change: § 16.053(q) of the Texas Water Code

Prioritization of projects by regional water planning groups (including the associated Uniform Standards Stakeholder Committee)

The 83rd Texas Legislature required that each regional water planning group prioritize projects in its regional water plan based on decade of need, feasibility, viability, sustainability, and cost effectiveness. At the state level, the TWDB only prioritizes projects that apply for funding through the SWIFT program, rather than every project included in the state water plan. Prioritization by regional water planning groups involves significant effort that

ultimately does not contribute proportionally to the final scores of the TWDB's overall project prioritization (as defined in Texas Water Code § 15.437). Removing this requirement would also remove the associated Uniform Standards Stakeholder Committee, which is tasked with setting consistent standards for prioritization of projects across the regions. The work of this committee could still be accomplished through other means and built upon in the regional water planning group forums.

Statutory change: § 15.436 of the Texas Water Code

2. Interregional Planning Council support

The legislature should clarify the TWDB's responsibilities with respect to the Interregional Planning Council.

Background

The 86th Texas Legislature created the Interregional Planning Council to improve coordination among regional water planning groups, facilitate dialogue regarding water management strategies that could affect multiple planning areas, and share best practices. House Bill 807, which created the Council, was silent on the provision of technical support from the TWDB. However, during the interim, TWDB staff contributed considerable support for the inaugural Council's nine meetings as well as an additional 13 meetings held by the Council-created working group and three committees. TWDB staff provided administrative and technical support for virtual meetings; supplied background materials, agenda planning, and meeting facilitation; prepared meeting minutes; and assisted in developing various committee reports and the final Council report. Language regarding agency technical support is typically included in statute, and clarification regarding expectations for the TWDB's responsibilities in support of future councils would assist the agency in managing staff workload. This recommendation accompanies the Interregional Planning Council Support exceptional item request included later in this document.

Statutory change: § 16.052 of the Texas Water Code

3. Texas Open Meetings Act virtual allowance

The legislature should make an allowance for the Interregional Planning Council, regional water planning groups, and regional flood planning groups, or any of their committees, to hold an open or closed meeting by telephone or video conference call.

Background

The 75th Texas Legislature established a water planning process coordinated by 16 regional water planning groups, a “bottom-up” approach that relies heavily on critical work conducted by volunteers. The Interregional Planning Council, established by the 86th Texas Legislature, is charged with improving coordination among and between those water planning groups, facilitating dialogue, and sharing best practices. The 86th Texas Legislature also established a flood planning process which, similar to water planning efforts, will be coordinated by 15 regional flood planning groups composed of volunteer members.

Each of these groups includes representatives from across the state. Volunteer members often spend considerable time and resources traveling to attend meetings, even when the meetings are held in central locations. Adding an extra, virtual layer to in-person meetings could lower barriers to participation for volunteers, prevent volunteer fatigue, and provide additional options for public participation and attendance. All meetings would still be subject to notice requirements and be required to offer a physical location that is open to the public, with the addition of two-way communication capabilities.

In its inaugural report, the Interregional Planning Council included a recommendation that the legislature amend the Texas Open Meetings Act to allow virtual participation during the regional water planning process. The Council and its committees successfully utilized the Zoom video conference platform during the COVID-19 pandemic to conduct work and maintain transparency (as authorized by Governor Greg Abbott’s executive orders to contain the spread of COVID-19 and corresponding allowance for virtual and telephonic open meetings).

Statutory change: § 16.052; § 16.053(h)(12); and § 16.062(l) of the Texas Water Code or Chapter 551 (Subchapter F) of the Texas Government Code

4. Removal of obsolete and duplicative requirements

- a. ***The legislature should remove the statutory requirement for the TWDB to submit the Water Use of Texas Water Utilities Report.***
- b. ***The legislature should remove the statutory requirement for the Report on Repair and Maintenance Needs of Certain Dams jointly prepared by the TWDB, the Texas Commission on Environmental Quality, and the Texas State Soil and Water Conservation Board.***
- c. ***The legislature should remove the requirement for the Colonia Funding Report jointly prepared by the TWDB and the Texas Department of Agriculture.***

Water Use of Texas Water Utilities Report

The 82nd Texas Legislature required the TWDB to submit a biennial report to the legislature that includes the most recent data relating to statewide water usage in the residential, industrial, agricultural, commercial, and institutional sectors, along with information on the related data collection and reporting program developed in coordination with the Texas Commission on Environmental Quality. The TWDB recommends that the formal report requirement be eliminated because the information is included in regular reporting on the agency’s Water Use Survey website more frequently than the report requirement. Eliminating the report would conserve agency resources while not removing essential data provided to the legislature and public. Like other legislative reports, considerable staff time is required to draft, review, edit, publish, and deliver a formal report; the TWDB believes that the necessary data and program transparency can be achieved by posting the information online and thus expending fewer agency resources.

Statutory change: § 16.403 of the Texas Water Code

Report on Repair and Maintenance of Certain Dams

The 86th Texas Legislature directed the TWDB, in coordination with the Texas State Soil and Water Conservation Board and the Texas Commission on Environmental Quality, to prepare a report on the repair and maintenance needs of dams that are not licensed by the Federal Energy Regulatory Commission, do not have flood storage, are required to pass flood waters, and have failed. A report on dams meeting these criteria will be submitted to the 87th Legislature, and no further reporting is anticipated unless an additional failure occurs.

Statutory change: § 201.0227(d-1) of the Texas Agriculture Code

Colonia Funding Report

The TWDB and the Texas Department of Agriculture are required to submit a joint report to the Legislative Budget Board that describes and analyzes the effectiveness of projects funded as a result of agency coordination. This joint report requirement is obsolete because both the Texas Department of Agriculture's Colonia Economically Distressed Areas Program (CEDAP) and the TWDB's Economically Distressed Areas Program (EDAP) have changed over time in such a way that the report does not provide a useful or comprehensive snapshot of agency activities. The report focuses on coordination in border counties only, but EDAP is not limited to border counties. The existing EDAP Report prepared by the TWDB is a better source of information that meets the legislative intent of the original appropriations rider.

Statutory change: delete 86th Session General Appropriations Act, Article VI, TWDB Rider 8

Legislative Appropriations Request Exceptional Item and Rider Requests

Exceptional item requests

The TWDB is requesting six exceptional items for the 2022–23 biennium for a total of \$10,540,880.

1. Restore State Revolving Fund match (\$3,439,699)

Description/Justification: In accordance with directives from State leadership, the TWDB reduced its Fiscal Year 2022–23 budget request by 5 percent. This reduction was achieved by reducing the General Revenue state match for the Drinking Water State Revolving Fund. This reduction is not sustainable over the long term; therefore, this exceptional item request includes a restoration of the base level funding to 100 percent of Fiscal Year 2020–21 levels.

External/Internal Factors: The Drinking Water State Revolving Fund, authorized by the Safe Drinking Water Act, provides low-cost financing for a wide range of water projects that facilitate compliance with drinking water standards. Recently, meeting the federally required 20 percent match through the issuance of debt has provided an additional option for match in order to obtain federal funding for the Drinking Water program. Reducing the state match appropriation would require the state's capitalization grant matching fund requirements to be met through the issuance of additional revenue bonds, which increases costs to the program. Without this item, the amount of principal and interest owed by the State Revolving Fund would increase, and program capacity would decrease.

2. Mitigate information technology risk (\$1,172,500)

Description/Justification: Cyber-attacks and information technology performance deficiencies can result in digital, economic, and reputational damage to stakeholders, the agency, and the state. The TWDB's technology footprint and the amount of data collected, processed, and stored by the agency continues to grow at a rapid pace as the agency implements new initiatives and works to maintain existing programs. This exceptional item request includes funding to mitigate risk to the agency's information resources and to help ensure positive returns on investments in technology.

External/Internal Factors: In this era of continually evolving technology challenges and solutions, adequate information technology tools and staff are a crucial part of agency operations. Historically, the TWDB has relied upon manual monitoring and troubleshooting by agency

technical experts (some of whom have retired) to ensure security, stability, and optimal performance of its systems. This exceptional item request includes tools to perform continuous application performance monitoring and automated, customized vulnerability scans of the agency's complex portfolio of applications. These tools would allow the TWDB to proactively identify issues; gain efficiency in protecting the financial information handled by the agency; and provide customers with secure, high-performing applications. This exceptional item request also includes additional staff dedicated to preventing security breaches and data loss and bridging the gap between technology and business processes. This would ensure that technology solutions are used in the most efficient and effective manner possible and improve the long-term success of technology deployments. Without this item, the agency's susceptibility to information technology risks could increase.

3. Improve critical data analysis capabilities for state water plan (\$2,677,500)

Description/Justification: The data collected and analyzed as part of the water planning process serves as the foundation of decision-making by regional water planning groups, the TWDB, and policy makers. This exceptional item includes funding to improve data quality in the sixth cycle of regional water planning, enhance the TWDB's analysis capabilities, and ensure sound planning for Texas' water future.

External/Internal Factors: This exceptional item would provide additional, stakeholder-requested funding for key regional water planning tasks and would directly support planning groups' data collection and analysis. The additional funding would also be used to support new requirements added during the 85th and 86th legislative sessions and a full time equivalent to assist in water planning, data development, documentation, and analysis. It would also fund technical studies of priority research topics that would improve datasets developed and maintained by the TWDB for use in regional water planning, including water use estimates and socioeconomic impact analyses.

Without this item, the underlying data in the regional and state water plans could face limitations; technical support of the regional water plans could diminish; and insufficient resources would be stretched between plan-

ning tasks, potentially compromising overall work quality. If the regional and state water planning process is not based on sound data, resulting plans could under-represent risks to water supplies and/or misrepresent project status and funding requirements.

4. Provide funding for the Economically Distressed Areas Program (\$2,587,500)

Description/Justification: Over the last three decades, the TWDB has made great strides in assisting disadvantaged communities through the Economically Distressed Areas Program (EDAP), with significant financial assistance provided for first-time water and wastewater services. In November 2019, Texas voters approved a constitutional amendment authorizing the agency to issue additional general obligation bonds in an amount not to exceed \$200 million to provide financial assistance for projects in economically distressed areas. This exceptional item would provide \$2,587,500 to support an estimated \$30 million in general obligation bond proceeds for funding assistance to communities that meet EDAP criteria and have inadequate water or wastewater services. Proceeds from the bonds issued would provide grants and loans to eligible communities throughout Texas, but availability depends on biennial legislative appropriations to support debt service costs.

External/Internal Factors: This exceptional item would fund the estimated principal and interest for the grant portion of the bonds. Without this item, projects in economically distressed areas could be delayed or not funded. Also, projects that previously received TWDB planning, acquisition, and design funding would not have EDAP grant and/or loan funding to begin and complete construction.

5. Fund increased costs for Shared Technology Services (STS) (\$549,181)

Description/Justification: The TWDB utilizes managed IT services through the Department of Information Resources' Shared Technology Services (STS) Program. Forecasted costs for the biennium are approved by the Department of Information Resources and passed through to the TWDB. This exceptional item request includes funding for the portion of forecasted costs for these services that will exceed the baseline total for the

2022–2023 biennium. If approved, the agency will need additional capital budget authority to match the appropriations increase.

External/Internal Factors: The TWDB anticipates increased costs for services through the STS Program due to agency growth resulting from new flood programs as well as changes associated with the STS Program’s billing structure. Notable cost increases resulting from agency growth include additional expenses related to licensing and support as well as for cloud and storage needs. Adjustments to the STS Program resulting in increased costs include the integration of a public cloud manager vendor, which will provide better security and support for the TWDB’s public cloud environment. Without this item, the agency would need to divert funds from other activities to cover the increased expense.

6. Provide staff support to the Interregional Planning Council (\$114,500)

Description/Justification: The 86th Texas Legislature created the Interregional Planning Council to improve coordination among regional water planning groups, facilitate dialogue regarding water management strategies that could affect multiple planning areas, and share best practices. This exceptional item request includes funding for one full time equivalent to provide ongoing support to the Council, and it accompanies the TWDB’s legislative recommendation to the 87th Texas Legislature to clarify the agency’s role with respect to the Council.

External/Internal Factors: As noted previously, assisting with the organization and operation of the inaugural Council on a compressed timeframe required significant TWDB staff time. Without resources specifically dedicated to this purpose, the agency redirected staff to support all Council and committee meetings in the form of technical expertise and IT support; development of background materials; agenda planning assistance; administrative support in the form of meeting preparation and facilitation; preparation of minutes; and assistance with compiling, writing, and revising the various committee reports and final Council report. Without this request, the agency would have to continue to redirect staff, potentially jeopardizing deadlines on other statutorily required projects.

Rider requests

The TWDB’s *Legislative Appropriations Request* for Fiscal Years 2022–2023 included proposed revisions to certain riders, including but not limited to the following:

Amend the Authorized Transfers and Appropriations: Water Assistance Fund Rider to include additional amounts appropriated for groundwater availability modeling and brackish groundwater contracts

Historically, amounts provided for groundwater availability modeling (GAM) activities have been transferred to the Water Assistance Fund (currently Rider 4). Additional GAM funds were authorized by the 86th Legislature and funded through General Revenue. This rider update would provide consistent treatment for all budgeted GAM amounts.

The rider update would also incorporate amounts appropriated for the Study of Aquifers and Brackish Groundwater (currently Rider 24). The TWDB’s Brackish Resources Aquifer Characterization System (BRACS) program maps and characterizes the brackish aquifers of Texas, and procurements for this program can take almost a full year. These funds must be expended for service contracts by the end of the biennium. The work in this program, however, can be impacted by external factors, such as the weather, which poses challenges for finishing studies within the two-year window. Transferring the funds to the Water Assistance Fund would allow the TWDB to use any unobligated and unexpended balances for studies of aquifers and brackish groundwater. This does not reduce the sense of urgency for program staff but would reduce the current risk of lapsing funds and not completing statutory mandates.

Amend the Flood Funding Rider to incorporate all flood funding in the Texas Infrastructure Resiliency Fund and Flood Infrastructure Fund

This proposed language would update the TWDB’s current Rider 25 to incorporate all flood funding in the Texas Infrastructure Resiliency Fund and the Flood Infrastructure Fund. The change would allow the TWDB to use any unobligated and unexpended balances from Fiscal Year 2021 in Fiscal Year 2022 to fully utilize amounts in these special funds as directed by the 86th Texas Legislature.

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