

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 649 Water Management Districts

**SPONSOR(S):** State Affairs Committee, Rulemaking & Regulation Subcommittee; Pilon

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 882

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	15 Y, 0 N	Deslatte	Blalock
2) Rulemaking & Regulation Subcommittee	14 Y, 0 N, As CS	Jensen	Rubottom
3) Agriculture & Natural Resources Appropriations Subcommittee	10 Y, 0 N	Perkins	Massengale
4) State Affairs Committee	14 Y, 0 N, As CS	Deslatte	Hamby

### SUMMARY ANALYSIS

Currently, Florida has 52 large watersheds or basins. In order to make environmental management easier, more effective and more uniform across programs, the Department of Environmental Protection (DEP) has grouped these watersheds into 29 groups of basins.

Any areas within a water management district (WMD) may be designated by the WMD governing board as subdistricts or basins by resolution, with the exception of basins within the St. Johns River Water Management District, which are established in statute by the Legislature. Each basin has a board composed of not less than three members, but must include one representative from each of the counties included in the basin.

The bill amends statutory provisions relating to the make-up of water basin boards. The bill provides that each basin board be composed of each governing board member residing in the basin or appointed by the governing board chair and other members which the Governor may choose to appoint who reside in the basin. The basin board must have at least three members, and must be appointed for three years. District governing board members serving on a basin board will serve for a period commensurate with his/her term on the governing board. District governing board members serving on a basin board are considered voting members of the basin board and counted for purposes of a quorum. A governing board member must serve as chair of the basin board. If there is more than one WMD governing board member sitting on a water basin board, each governing board member must rotate the chair/co-chair position. If there is a vacancy on a water basin board, a quorum of the total remaining basin board members may transact business until a successor is appointed.

The bill exempts WMD cooperative funding programs from chapter 120, F.S., rulemaking requirements unless any portion of an approved program affects the substantial interests of a party.

The bill provides that local governments are authorized to adopt ordinances that implement landscape irrigation restrictions set forth in WMD rules or orders.

The bill amends current law to specify that funds deposited in the Water Protection and Sustainability Program Trust Fund to the credit of the Suwannee River Water Management District may also be used for regional water supply planning, water resource development, and water resource projects.

Beginning in Fiscal Year 2009-2010, the Legislature (ch. 2009-68, L.O.F.) eliminated documentary stamp tax distributions into the Water Protection and Sustainability Program Trust Fund, which was the primary revenue source for this trust fund. Currently, the only revenue in this trust fund is derived from interest earnings on prior year unexpended fixed capital outlay projects. If, and when, funds are provided by the Legislature into this trust fund, the bill will allow greater flexibility in the use of said funds by the Suwannee River WMD.

The bill provides an effective date upon becoming law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0649g.SAC

DATE: 4/20/2011

# FULL ANALYSIS

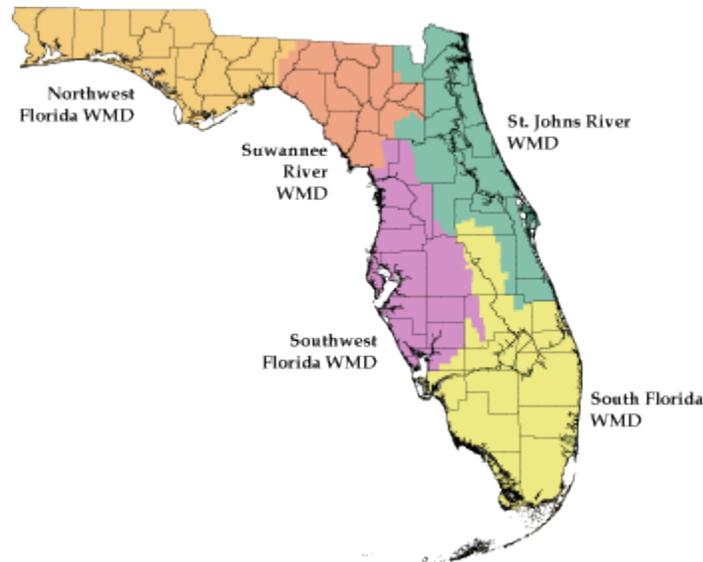
## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### *Water Management Districts*

The DEP manages the quality and quantity of water in Florida through its relationship with the state's WMDs, which are tasked with the preservation and management of Florida's water resources. The WMDs include the Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, South Florida Water Management District and the Southwest Florida Water Management District<sup>1</sup>.



Chapter 373, F.S., charges the WMDs with managing regional water supplies, water quality, flood protection, and the protection of natural systems. The Legislature has directed the WMDs to engage in plan development and implementation, regulation, land acquisition, financial and technical assistance, water resource restoration, water resource development, and other activities to achieve statutory water management objectives.<sup>2</sup> By statute, each WMD is overseen by a governing board appointed by the Governor and confirmed by the Senate.

In 1998, the WMDs prepared water supply plans to determine the existing and future water needs and evaluate the adequacy of existing and potential sources to meet the reasonable-beneficial needs for the next 20 years. These plans are updated at least once every 5 years. For those areas where the sources were determined not to be adequate to meet the future needs, the districts were required to prepare regional water supply plans. The Northwest Florida, St. Johns River, South Florida and

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<sup>1</sup> The Water Resources Act of 1972 (Chapter 373, Florida Statutes) mandated that five WMDs be created to manage the water resources of the state. After a process that took several years, the WMDs' boundaries were drawn based on natural, hydrologic basins rather than political or county limits to allow for effective and efficient planning and management. These boundaries are generally as they exist today.

<sup>2</sup> In 1975, the Legislature proposed a constitutional amendment to authorize WMDs to levy ad valorem property taxes to help fund water resource management efforts. As a result, Florida Constitution, Art. VII, s. 9 authorizes the WMDs to levy ad valorem taxes based on taxable property values within each district's boundaries. The Northwest Florida WMD is limited to a constitutional millage cap of 0.05 mill, while the remaining four WMDs are limited to a maximum of 1.00 mill. In addition to ad valorem, other WMDs revenue sources include the U.S. Government, the State of Florida, local governments within the district, and other district sources like permit fees and interest earnings on investments.

Southwest Florida Water Management Districts determined that sources were not adequate to meet all these future needs while sustaining the natural resources. By August 2001, these four districts completed regional water supply plans. Each year the districts are required to prepare a Five-Year Water Resource Development Work Program that describes implementation strategies for the water resource development component of regional water supply plans. The Suwannee River Water Management District's (SRWMD) water supply assessment concluded that supplies were adequate to meet the 2020 needs, and therefore, was not required to prepare a regional water supply plan.

## **Cooperative Funding**

### **Current Situation**

Beginning in Fiscal Year 2005-2006, the state annually provides a portion of those revenues deposited into the Water Protection and Sustainability program Trust Fund (WPSPTF) for the purpose of providing funding assistance for the development of alternative water supplies pursuant to the Water Protection and Sustainability program. The DEP distributes these revenues into the alternative water supply trust fund accounts created by each district for the purpose of alternative water supply development under the following funding formula:

- 30 percent to the South Florida Water Management District;
- 25 percent to the Southwest Florida Water Management District;
- 25 percent to the St. Johns River Water Management District;
- 10 percent to the Suwannee River Water Management District; and
- 10 percent to the Northwest Florida Water Management District.

The statewide funds provided pursuant to the Water Protection and Sustainability program serve to supplement existing water management district funding for alternative water supply development assistance. The districts are required to include the amount of funds allocated for water resource development that supports alternative water supply development and the funds allocated for alternative water supply projects selected for inclusion in the Water Protection and Sustainability program in their annual tentative and adopted budget submittals. The goal of each district is to match the state funding provided to the district for alternative water supply development. Only the Suwannee River and the Northwest Florida Water Management Districts are not required to meet the match requirements, but they are encouraged to try to achieve the match requirement to the greatest extent practicable.

Section 373.707, F.S., relating to alternative water supply development, mandates cooperative efforts between municipalities, counties, special districts, water management districts, and the DEP in the development of water supplies and to provide for alternative water supply development.

In regard to funding for alternative water resource projects, s. 373.707, F.S., provides that the districts and the state share a percentage of revenues with water providers and users, to be used to supplement other funding sources in the development of alternative water supplies. Public and private water users include local governments, water, wastewater, reuse utilities, municipal, special district, industrial and agricultural water users.

Pursuant to this section, if a district has not completed any regional water supply plan, or the regional water supply plan does not identify the need for any alternative water supply projects, funds deposited in that district's trust fund may be used for water resource development projects, including, but not limited to, springs protection. Presently, the Suwannee River Water Management District is the only district to not complete a regional water supply plan; however, the goal is to have one completed this year. As the lesser funded of the five districts, both the Northwest Florida and the Suwannee River Water Management Districts desire more flexibility in the use of funds from the WPSPTF, if and when funding is restored.

### **Effect**

The bill exempts WMD cooperative funding programs from chapter 120, F.S., rulemaking requirements unless any portion of an approved program affects the substantial interests of a party. The bill also authorizes the Suwannee River Water Management District to use moneys deposited to its credit in the

Water Protection and Sustainability Program Trust Fund for regional water supply planning and water resource projects in addition to current authorized uses.

## **Basin Boards**

### Current Situation

Florida has 52 large watersheds or basins. To make environmental management easier, more effective and more uniform across programs, DEP has grouped these watersheds into 29 groups of basins.



Any areas within a WMD may be designated by the WMD governing board as subdistricts or basins by resolution, with the exception of basins within the St. Johns River Water Management District, which are approved by the Legislature. Each basin has a board composed of not less than three members, but must include one representative from each of the counties included in the basin. Members serve for a period of 3 years or until a successor is appointed, but usually not more than 180 days after the end of the term. Each basin board chooses a vice chair and a secretary to serve for a period of 1 year. The basin board chair is typically a member of the WMD governing board of the district residing in the basin.

If no member resides in the basin, a member of the governing board is designated as chair by the chair of the WMD board. Members of basin boards are appointed by the Governor and subject to confirmation by the Senate. Refusal or failure of the Senate to confirm an appointment creates a vacancy in the office.

Statutory duties of basin boards, pursuant to s. 373.0695, F.S., include:

- The preparation of engineering plans for development of the water resources of the basin and the conduct of public hearings on such plans.
- The development and preparation of an overall basin plan of secondary water control facilities for the guidance of subdrainage districts and private land owners in the

development of their respective systems of water control, which will be connected to the primary works of the basin to complement the engineering plan of primary works for the basin.

- The preparation of the annual budget for the basin and the submission of such budget to the WMD governing board for inclusion in the WMD budget.
- The consideration and prior approval of final construction plans of the WMD for works to be constructed in the basin.
- The administration of the affairs of the basin.
- Planning for and, upon request by a county, municipality, private utility, or regional water supply authority, providing water supply and transmission facilities for the purpose of assisting such counties, municipalities, private utilities, or regional water supply authorities within or serving the basin.

### Effect

The bill amends statutory provisions relating to the make-up of water basin boards. The bill provides that basin boards be composed of each governing board member residing in the basin or appointed by the governing board chair and other members which the Governor may choose to appoint who reside in the basin. The basin board must have at least three members. Basin board members will be appointed for three years. Members of the district governing board serving on a basin board will serve for a period commensurate with his/her term on the governing board. District governing board members serving on the basin board are voting members of the basin board and counted for purposes of establishing a quorum. If there is more than one WMD governing board member sitting on a water basin board, the pair will rotate the chair/co-chair position. If there is a vacancy on a water basin board, a quorum of total remaining basin board members may transact business until a successor is appointed.

### Consumptive Use Permits and Water Conservation

#### Present Situation/Consumptive Use Permits

The state's five WMDs administer Florida's Consumptive Use Permit (CUP) program pursuant to Part II, ch. 373, F.S. The program addresses permitting, compliance and enforcement relating to the consumptive use of water. Section 373.219, F.S., authorizes the governing board of a WMD or the department to require a CUP for the consumptive use of water, and allows the board or the department to impose such reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the district or department and is not harmful to the water resources of the area. A permit may not be required for domestic consumption of water by individual users.

Pursuant to their rulemaking authority, each WMD has adopted rules that detail when and what type of permit, individual or general, an applicant may need. Generally, WMDs require a CUP when:

- The planned withdraw exceeds 100,000 gallons per day, or
- The outside diameter of the groundwater well is six inches or larger, or
- The outside diameter of the withdrawal pipe from a surface water is four inches or larger, or
- The total withdrawal capacity of the system is one million gallons per day or larger.

Some exceptions to these general guidelines exist and are generally based on the individual hydrologic conditions of certain areas within the district. Traditional exemptions for this permitting program include, single family homes or duplexes, fire fighting water wells, salt water use, and reclaimed water use.

In order to receive a CUP, an applicant must meet the "three-prong test" in subsection 373.223(1), F.S., which requires the applicant to establish that the proposed use of water:

- Is a reasonable-beneficial use as defined in s. 373.019;
- Will not interfere with any presently existing legal use of water; and
- Is consistent with the public interest.

## Present Situation/Water Use Restrictions

A general requirement of CUPs is that the permittee agree to comply with District irrigation restrictions adopted in Rule Chapter 40E-24, primarily authorized under the authority of 373.171, F.S.

Section 373.171, F.S., also provides the following rule making authority to the governing board of a WMD:

- (1) In order to obtain the most beneficial use of the water resources of the state and to protect the public health, safety, and welfare and the interests of the water users affected, governing boards, by action not inconsistent with the other provisions of this law and without impairing property rights, may:
  - (a) **Adopt rules or issue orders affecting the use of water, as conditions warrant**, and forbidding the construction of new diversion facilities or wells, the initiation of new water uses, or the modification of any existing uses, diversion facilities, or storage facilities within the affected area.
  - (b) **Regulate the use of water within the affected area by apportioning, limiting, or rotating uses of water** or by preventing those uses which the governing board finds have ceased to be reasonable or beneficial.
  - (c) Issue orders and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.
- (2) In adopting rules and issuing orders under this law, the governing board shall act with a view to full protection of the existing rights to water in this state insofar as is consistent with the purpose of this law.
- (3) No rule or order shall require any modification of existing use or disposition of water in the district unless it is shown that the use or disposition proposed to be modified is detrimental to other water users or to the water resources of the state.
- (4) All rules adopted by the governing board shall be filed with the Department of State as provided in chapter 120. An information copy will be filed with the Department of Environmental Protection.

In addition, section 373.175, F.S., also authorizes the governing board of a WMD to declare that a water shortage exists within all or part of the district when insufficient ground or surface water is available to meet the needs of users. A WMD can also declare a water shortage when certain conditions require temporary reductions in total use within the area to protect water resources from serious harm. An emergency condition exists when WMD's exercise of power is not sufficient to protect the public health, safety, or welfare; the health of animals, fish, or aquatic life; a public water supply, or recreational, commercial, industrial, agricultural, or other reasonable uses. Under these conditions, an executive director, pursuant to Ch. 120, F.S., may issue emergency orders requiring that such action, including, but not limited to, apportioning, rotating, limiting, or prohibiting the use of the water resources of the WMD, is deemed necessary to meet the emergency.

Section 373.0421, F.S., also provides that if the existing flow or level in a water body is below, or is projected to fall within 20 years below, the established minimum flow or level, the WMD must implement a recovery or prevention strategy that includes implementation of conservation and other efficiency measures.

## Present Situation/Water Conservation

Under s. 373.227, F.S., the Legislature recognizes that the proper conservation of water is an important means of achieving the economical and efficient utilization of water necessary, in part, to constitute a reasonable-beneficial use. The overall water conservation goal of the state is to prevent and reduce wasteful, uneconomical, impractical, or unreasonable use of water resources. The Legislature also finds that the social, economic, and cultural conditions of the state relating to the use of public water supply vary by service area and that public water supply utilities must have the flexibility to tailor water conservation measures to best suit their individual circumstances. Where water is provided by a public

water supply utility, the Legislature intends that a variety of conservation measures be made available and used to encourage efficient water use.

To implement these findings, the DEP, in cooperation with the wmds and other stakeholders, is directed to develop a comprehensive statewide water conservation program for public water supply. The program should:

- Encourage utilities to implement water conservation programs that are economically efficient, effective, affordable, and appropriate;
- Allow no reduction in, and increase where possible, utility-specific water conservation effectiveness over current programs;
- Be goal-based, accountable, measurable, and implemented collaboratively with water suppliers, water users, and water management agencies;
- Include cost and benefit data on individual water conservation practices to assist in tailoring practices to be effective for the unique characteristics of particular utility service areas, focusing upon cost-effective measures;
- Use standardized public water supply conservation definitions and standardized quantitative and qualitative performance measures for an overall system of assessing and benchmarking the effectiveness of water conservation programs and practices;
- Create a clearinghouse or inventory for water conservation programs and practices available to public water supply utilities which will provide an integrated statewide database for the collection, evaluation, and dissemination of quantitative and qualitative information on public water supply conservation programs and practices and their effectiveness.
- Develop a standardized water conservation planning process for utilities; and
- Develop and maintain a Florida-specific water conservation guidance document containing a menu of affordable and effective water conservation practices to assist public water supply utilities in the design and implementation of goal-based, utility-specific water conservation plans tailored for their individual service areas.

Section 373.227, F.S., also directs wmds to afford public water supply utilities wide latitude in selecting a water conservation rate structure and to limit its review to whether the utility has provided reasonable assurance that the rate structure contains a schedule of rates designed to promote efficient use of water by providing economic incentives. As part of an application for a consumptive use permit, the section allows a public water supply utility to propose a goal-based water conservation plan that is tailored to its individual circumstances. If the utility provides reasonable assurance that the plan will achieve effective water conservation at least as well as the water conservation requirements adopted by the appropriate water management district and is otherwise consistent with s. 373.223, regarding the conditions for a permit, the district must approve the plan, which will satisfy water conservation requirements imposed as a condition of obtaining a consumptive use permit. The section authorizes the DEP or a water management district to adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out the purposes of this section.

On November 7, 2008, the SFWMD noticed in the Florida Administrative Weekly proposed amendments to Rule Chapter 40E-24, primarily authorized under the authority of 373.171, F.S.

Proposed amendments to Rule 40E-2.301(2), F.A.C., required permit applicants to provide reasonable assurance of compliance with the district's Basis of Review (BOR) for a Consumptive Use Permit (CUP). BOR 2.6.1.(A) requires water supply utilities to implement a water conservation plan which will include limits on lawn and ornamental irrigation pursuant to rule 40E-24.201, or alternative landscape irrigation conservation measures pursuant to rule 40E-24.301.

Proposed amendments to Rule 40E-24.301(2) stated, "Irrigation of landscapes, as defined above, may be further restricted by local governments only in response to concerns directly related to the local water supply system."

Beginning on November 23, 2009, the Joint Legislative Administrative Procedures Committee initiated an official correspondence with the district asking for clarification regarding the following questions:

- How is a utility, public or private, to provide assurance of compliance by the ultimate consumer?
- Does the District delegate its enforcement authority to the utility? If so, please provide and explain the statutory authority for this delegation.
- Please provide and explain the specific statute authorizing the District to delegate authority to impose irrigation restrictions more restrictive than those imposed by the District itself.

The District first responded that Section 373.609, F.S., provided authority. Section 373.609, F.S., provides as follows:

Enforcement; city and county officers to assist.—It shall be the duty of every state and county attorney, sheriff, police officer, and other appropriate city and county official, upon request, to assist the department, the governing board of any water management district, or any local board, or any of their agents in the enforcement of the provisions of this law and the rules and regulations adopted thereunder.

This statutory provision in no way involves the exercise of a local government's separate and distinct authority to create new ordinances under its home rule authority.

The District also cited s. 373.217, F.S., suggesting that a local government ordinance could regulate hours of irrigation so long as it did not prohibit landscape irrigation altogether. Section 373.217, F.S., provides as follows:

- (1) It is the intent of the Legislature to provide a means whereby reasonable programs for the issuance of permits authorizing the consumptive use of particular quantities of water may be authorized by the Department of Environmental Protection, subject to judicial review and also subject to review by the Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission as provided in s. 373.114.
- (2) It is the further intent of the Legislature that Part II of the Florida Water Resources Act of 1972, as amended, as set forth in ss. 373.203-373.249, shall provide the exclusive authority for requiring permits for the consumptive use of water and for authorizing transportation thereof pursuant to s. 373.223(2).
- (3) If any provision of Part II of the Florida Water Resources Act of 1972, as amended, as set forth in ss. 373.203-373.249, is in conflict with any other provision, limitation, or restriction which is now in effect under any law or ordinance of this state or any political subdivision or municipality, or any rule or regulation promulgated thereunder, Part II shall govern and control, and such other law or ordinance or rule or regulation promulgated thereunder shall be deemed superseded for the purpose of regulating the consumptive use of water. However, this section shall not be construed to supersede the provisions of the Florida Electrical Power Plant Siting Act.
- (4) Other than as provided in subsection (3) of this section, Part II of the Florida Water Resources Act of 1972, as amended, preempts the regulation of the consumptive use of water as defined in this act.

In response, JAPC staff argued that subsection 373.217(3), F.S., first grandfathered in any local ordinances that were in existence at the time 373.217, F.S., was enacted that were not in conflict with Part II, and then subsection (4) otherwise preempted the regulation of consumptive use of water to the state. JAPC noted that while there may be some dispute as to whether regulation of hours of irrigation is or is not the regulation of consumptive use of water, there is no doubt that the districts have no power to amend the plain language of 373.217, F.S.

In summary, JAPC argued that if the regulation of hours of irrigation is the regulation of consumptive use of water under Part II, chapter 373, F.S., something not entirely clear from the statute, then local governments cannot enact new ordinances governing this activity at all.

In its January 11, 2010, correspondence to the district, JAPC stated that the district's proposed revisions to the questioned rules would limit the restriction of the irrigation of landscapes by local governments to circumstances involving concerns directly related to the local water supply system. Although the correspondence noted that committee staff agreed in a previous conversation that the district should feel free to adopt the proposed amendments to chapters 40E-2, 40E-20 and 40E-24, F.A.C., with the revisions discussed, and further agreed not to recommend that the committee object to the proposed rules at this time, the correspondence provided the following caution: "please bear in mind that in light of the preemption to the districts contained in s. 373.217, F.S., we continue to have concerns with the District's authority to regulate the consumptive use of water through local governments, as outlined in these rules."

#### Effect

The bill provides that local governments are authorized to adopt ordinances that implement landscape irrigation restrictions set forth in WMD rules or orders.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 373.0693, F.S., revising provisions relating to the membership of basin boards; specifying the terms of service for district governing board members serving on basin boards; providing that district governing board members serving on basin boards are voting members and counted for quorum purposes; providing for district governing board members to serve as basin board chairs and co-chairs; authorizing a quorum of remaining members to transact business if there is a vacancy on the board; deleting provisions providing for the formation of the Manasota Basin and the Manasota Basin Board.

Section 2. Amends s. 373.171, F.S., exempting cooperative funding programs from certain rulemaking requirements.

Section 3. Amends s. 373.609, F.S., authorizing local governments to adopt ordinances to implement certain landscape irrigation restrictions.

Section 4. Amends s. 373.707, F.S., revising requirements for the expenditure of funds provided pursuant to the Water Protection and Sustainability Program; authorizing the Suwannee River Water Management District to use such funds for additional purposes.

Section 5. Provides an effective upon becoming law.

### **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

The bill exempts WMD cooperative funding programs from chapter 120, F.S., rulemaking requirements unless any portion of an approved program affects the substantial interest of a party. WMDs that establish cooperative funding programs may save time and money associated with the rulemaking process.

Beginning in Fiscal Year 2009-2010, the Legislature (ch. 2009-68, L.O.F.) eliminated documentary stamp tax distributions into the Water Protection and Sustainability Program Trust Fund, which was the primary revenue source for this trust fund. Currently, the only revenue in this trust fund is derived from interest earnings on prior year unexpended fixed capital outlay projects. If, and when, funds are provided by the Legislature into this trust fund, the bill will allow greater flexibility in the use of said funds by the Suwannee River WMD.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill exempts WMD cooperative funding programs from chapter 120, F.S., rulemaking requirements unless any portion of an approved program affects the substantial interests of a party.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On April 14, 2011, the State Affairs Committee passed two amendments to HB 649. Amendment 1 provides that governing board members residing in the basin or appointed by the governing board chair and other members which the Governor may choose to appoint who reside in the basin. District governing board members serving on a basin board will serve for a period commensurate with his/her term on the governing board. Lastly, district governing board members serving on a basin board are considered voting members of the basin board and counted for purposes of a quorum.

Amendment 2 provides that local governments are authorized to adopt ordinances that implement landscape irrigation restrictions set forth in WMD rules or orders. The amendment also changes the effective date to upon becoming law.