

By: Perry, et al.

S.B. No. 1351

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the functions of the Texas Water Development Board and
3 continuation and functions of the State Water Implementation Fund
4 for Texas Advisory Committee.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 6.013, Water Code, is amended to read as
7 follows:

8 Sec. 6.013. SUNSET PROVISION. The Texas Water Development
9 Board is subject to review under Chapter 325, Government Code
10 (Texas Sunset Act), but is not abolished under that chapter. The
11 board shall be reviewed during the period in which state agencies
12 abolished in 2035 [~~2023~~] and every 12th year after 2035 [~~2023~~] are
13 reviewed.

14 SECTION 2. Section 6.062, Water Code, is amended by
15 amending Subsection (b) and adding Subsection (d) to read as
16 follows:

17 (b) The training program must provide the person with
18 information regarding:

19 (1) the law governing [~~legislation that created the~~]
20 board operations;

21 (2) the programs, functions, rules, and budget of
22 [~~operated by~~] the board;

23 (3) the scope of and limitations on the rulemaking
24 authority [~~role and functions~~] of the board;

1 (4) ~~[the rules of the board, with an emphasis on the~~
2 ~~rules that relate to disciplinary and investigatory authority,~~
3 ~~[(5) the current budget for the board,~~
4 ~~[(6)]~~ the results of the most recent formal audit of
5 the board;

6 (5) ~~[(7)]~~ the requirements of:

7 (A) laws relating to ~~[the]~~ open meetings, ~~[law,~~
8 ~~Chapter 551, Government Code,~~

9 ~~[(B) the]~~ public information, ~~[law, Chapter 552,~~
10 ~~Government Code,~~

11 ~~[(C) the]~~ administrative procedure, ~~[law,~~
12 ~~Chapter 2001, Government Code,~~] and disclosing conflicts of
13 interest; and

14 (B) ~~[(D)]~~ other laws applicable to members of a
15 state policy-making body in performing their duties ~~[relating to~~
16 ~~public officials, including conflict of interest laws]; and~~

17 (6) ~~[(8)]~~ any applicable ethics policies adopted by
18 the board or the Texas Ethics Commission.

19 (d) The executive administrator shall create a training
20 manual that includes the information required by Subsection (b).
21 The executive administrator shall distribute a copy of the training
22 manual annually to each member of the board. Each member of the
23 board shall sign and submit to the executive administrator a
24 statement acknowledging that the member received and reviewed the
25 training manual.

26 SECTION 3. Section 15.438(k), Water Code, is amended to
27 read as follows:

1 (k) The advisory committee is subject to Chapter 325,
2 Government Code (Texas Sunset Act). Unless continued in existence
3 as provided by that chapter, the advisory committee is abolished
4 and this section expires September 1, 2035 [~~2023~~].

5 SECTION 4. Subchapter C, Chapter 16, Water Code, is amended
6 by adding Section 16.0511 to read as follows:

7 Sec. 16.0511. FEASIBILITY REVIEW OF CERTAIN PROJECTS IN
8 STATE WATER PLAN. (a) Not later than January 5, 2027, and before
9 the end of each successive five-year period after that date, the
10 executive administrator shall evaluate the feasibility of certain
11 projects under the state water plan, including:

- 12 (1) projects the board has prioritized for funding;
- 13 (2) projects involving:
 - 14 (A) reservoirs;
 - 15 (B) interstate water transfers;
 - 16 (C) innovative technology projects; and
 - 17 (D) desalination plants; and
- 18 (3) other large projects as determined by the board.

19 (b) In conducting the feasibility review, the executive
20 administrator shall analyze for each project:

- 21 (1) the implementation timeline;
- 22 (2) associated costs;
- 23 (3) land acquisition considerations; and
- 24 (4) the economic impact.

25 SECTION 5. Section 16.053, Water Code, is amended by adding
26 Subsection (e-2) to read as follows:

27 (e-2) A regional water planning group may plan for drought

1 conditions worse than the drought of record when developing a
2 regional water plan under Subsection (e).

3 SECTION 6. Subchapter E, Chapter 16, Water Code, is amended
4 by adding Section 16.147 to read as follows:

5 Sec. 16.147. ESTABLISHMENT OF CERTAIN PERFORMANCE GOALS AND
6 METRICS. (a) The board shall develop and implement performance
7 goals and performance metrics as part of a comprehensive evaluation
8 of the board's review of proposed projects for compliance with
9 programmatic and design requirements.

10 (b) The board shall periodically:

11 (1) collect data regarding the performance metrics;

12 (2) analyze the data described by Subdivision (1)
13 related to the performance metrics to identify relevant trends; and

14 (3) use the performance metrics to assess the board's
15 progress toward meeting the board's performance goals.

16 (c) The board shall periodically review the performance
17 goals and performance metrics to assess the effectiveness and
18 efficiency of the board's review of proposed projects.

19 (d) The executive administrator shall periodically update
20 the board on the implementation and analysis of the performance
21 metrics and progress toward performance goals.

22 (e) The board shall develop and implement periodic
23 reporting schedules for all performance goals and performance
24 metrics required under this section.

25 SECTION 7. Section 17.276, Water Code, is amended by adding
26 Subsections (d-1), (d-2), and (d-3) to read as follows:

27 (d-1) The board by rule may adopt procedures allowing the

1 use of different standards of review and approval of design
2 criteria for plans and specifications for sewerage collection,
3 treatment, and disposal systems.

4 (d-2) In establishing the appropriate standard of review
5 and approval for plans and specifications under Subsection (d-1),
6 the rules must require an individualized assessment that applies
7 risk-based considerations to each project associated with the plans
8 and specifications, including:

9 (1) any potential financial risk associated with the
10 project;

11 (2) any risk to public health associated with the
12 project; or

13 (3) other relevant financial considerations
14 associated with the project.

15 (d-3) For plans and specifications subject to a limited
16 standard of review and approval under Subsection (d-1), the board
17 shall require the registered professional engineer who submitted
18 the plans and specifications to make a finding that:

19 (1) the plans and specifications are in substantial
20 compliance with standards established by the commission; and

21 (2) any deviation from the standards established by
22 the commission is based on the best professional judgment of the
23 registered professional engineer.

24 SECTION 8. The following provisions of the Water Code are
25 repealed:

26 (1) Section 15.108;

27 (2) Section 15.218; and

1 (3) Section 15.3061.

2 SECTION 9. The changes in law made by this Act to Chapter
3 17, Water Code, apply only to an application submitted to the Texas
4 Water Development Board on or after the effective date of this Act.
5 An application submitted to the Texas Water Development Board
6 before the effective date of this Act is governed by the law in
7 effect at the time the application was filed, and the former law is
8 continued in effect for that purpose.

9 SECTION 10. This Act takes effect September 1, 2023.