

By: Perry, et al.

S.B. No. 7

A BILL TO BE ENTITLED

AN ACT

relating to the oversight and financing of certain water infrastructure matters under the jurisdiction of the Texas Water Development Board.

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

ARTICLE 1. WATER INFRASTRUCTURE DEVELOPMENT

SECTION 1.01. Chapter 6, Water Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. WATER SUPPLY CONVEYANCE COORDINATION

Sec. 6.301. DEFINITION. In this subchapter, "project" means a water supply development, treatment, or conveyance project eligible to receive financial assistance from the board.

Sec. 6.302. RESPONSIBILITIES OF BOARD. (a) The board shall:

(1) for the development of infrastructure to transport water that is made available by a project, facilitate joint planning and coordination between project sponsors, governmental entities, utilities, common carriers, and other entities, as applicable, to:

(A) maximize the use of existing transportation and utility easements; and

(B) minimize the exercise of the power of eminent domain to obtain interests in real property;

(2) facilitate the development of guidance and best

1 practices for the standardization of the specifications,  
2 materials, and components used to design and construct  
3 infrastructure to transport water;

4 (3) facilitate the development of standards and  
5 guidance to ensure potential interconnectivity and  
6 interoperability between different systems developed to transport  
7 water from different projects;

8 (4) facilitate the development of mechanical and  
9 technical standards for the integration of water that is made  
10 available by a project into a water supply system or into  
11 infrastructure to transport water that is made available by a  
12 project, as applicable; and

13 (5) take other action the board determines necessary  
14 to facilitate interconnectivity and interoperability between  
15 different infrastructure developed to transport water from  
16 different projects.

17 (b) When developing guidance and best practices under  
18 Subsection (a)(2), the board shall, if practicable, recommend  
19 building excess capacity into infrastructure to transport water to  
20 facilitate the transportation of additional water supplies that are  
21 developed after the initial construction of the infrastructure.

22 Sec. 6.303. USE OF PROFESSIONAL AND CONSULTING SERVICES  
23 AUTHORIZED. (a) The board may procure professional and consulting  
24 services to achieve a purpose described by Section 6.302.

25 (b) Chapter 2254, Government Code, applies to the  
26 procurement of professional and consulting services by the board.

27 Sec. 6.304. FORMATION OF AD HOC COMMITTEES AUTHORIZED. The

board may convene one or more ad hoc committees composed of representatives of current or potential project sponsors, the Texas Department of Transportation, river authorities, retail public utilities, electric utilities, counties, municipalities, special purpose districts, common carriers, and other entities considered appropriate by the board to advise and assist the board in fulfilling any purpose described by Section 6.302, including in drafting any guidance or best practices described by that section.

Sec. 6.305. PAYMENT OF EXPENSES FROM WATER FUND. Pursuant to Section 15.504(f), the board shall pay from the Texas water fund administrative account established under Section 15.508:

(1) the necessary and reasonable administrative expenses, including staffing expenses, incurred in administering its responsibilities under this subchapter; and

(2) the necessary and reasonable expenses for the procurement of professional and consulting services under Section 6.303.

SECTION 1.02. Section 11.036, Water Code, is amended by adding Subsection (e) to read as follows:

(e) This section does not apply to a transfer of water or water rights originating from outside this state under Section 15.703(a)(6) to any person having the right to acquire use of the water.

SECTION 1.03. Section 15.153, Water Code, is amended by amending Subsection (b) and adding Subsections (e) and (f) to read as follows:

(b) The fund may be used to:

(1) provide financial assistance to political subdivisions to develop water supply projects that create new water sources for the state, including:

(A) desalination projects, including marine and brackish water desalination;

(B) produced water treatment projects, other than projects that are only for purposes of oil and gas exploration;

(C) aquifer storage and recovery projects; ~~and~~

(D) reservoir projects for which:

(i) the required land has already been acquired;

(ii) a permit for the discharge of dredged or fill material has been issued by the United States Secretary of the Army under Section 404, Federal Water Pollution Control Act (33 U.S.C. Section 1344); and

(iii) a permit for the storage, taking, or diversion of state water has been issued by the commission under Section 11.121; and

(E) the development of infrastructure to transport or integrate into a water supply system:

(i) water that is made available by a project described by this subdivision;

(ii) surface water for which a permit for the storage, taking, or diversion of state water has been issued by the commission under Section 11.121; or

(iii) water that is located or originates outside of this state and is imported for the purpose of providing

water for the use or benefit of this state;

(2) make transfers from the fund:

(A) to the state water implementation fund for Texas established under Subchapter G or the Texas Water Development Fund II established under Subchapter L, Chapter 17; and

(B) for a purpose described by Subdivision (1);  
[and]

(3) make transfers from the fund to the water bank account established under Section 15.707; and

(4) make transfers from the fund:

(A) to the Texas Water Development Fund II state participation account established under Section 17.957; and

(B) for a purpose described by Subdivision (1).

(e) Infrastructure developed to transport water under Subsection (b)(1)(E) may not be used to transport groundwater that was produced from a well in this state and that, at the time of production, had a total dissolved solids concentration of less than 3,000 milligrams per liter. This subsection applies to groundwater produced from an ASR recovery well associated with an aquifer storage and recovery project authorized by the commission under Subchapter G, Chapter 27, only if the water injected as part of the project was groundwater described by this subsection.

(f) Money from the fund may be used to acquire another person's right acquired or authorized in accordance with state law to impound, divert, or use state water only by a water supply contract or a lease of that right from its owner.

SECTION 1.04. Sections 15.502(b) and (e), Water Code, are

amended to read as follows:

(b) The board may use the fund only to transfer money to:

(1) the water assistance fund established under Subchapter B;

(2) the new water supply for Texas fund established under Subchapter C-1;

(3) the state water implementation fund for Texas established under Subchapter G;

(4) the state water implementation revenue fund for Texas established under Subchapter H;

(4-a) the Texas water fund administrative account established under Section 15.508;

(4-b) the flood infrastructure fund established under Subchapter I;

(5) a revolving fund established under Subchapter J;

(6) the rural water assistance fund established under Subchapter R;

(7) the statewide water public awareness account established under Section 16.027;

(8) the Texas Water Development Fund II water financial assistance account established under Section 17.959; and

(9) the Texas Water Development Fund II state participation account established under Section 17.957.

(e) The fund consists of:

(1) money transferred or deposited to the credit of the fund by law, including:

(A) money appropriated by the legislature

1 directly to the fund; and

2                   (B) money from any source transferred or  
3 deposited to the credit of the fund as authorized by law;

4                   (2) any other revenue that the legislature by statute  
5 dedicates for deposit to the credit of the fund;

6                   (3) investment earnings and interest earned on amounts  
7 credited to the fund; and

8                   (4) money from gifts, grants, or donations to the  
9 fund[~~, and~~

10                   ~~[(5) money returned from any authorized transfer].~~

11           SECTION 1.05. Effective January 1, 2026, Section 15.502(e),  
12 Water Code, is amended to read as follows:

13           (e) The fund consists of:

14                   (1) money transferred or deposited to the credit of  
15 the fund by law, including:

16                   (A) money transferred or deposited to the credit  
17 of the fund as provided by Section 7-e, Article VIII, Texas  
18 Constitution;

19                   (B) money appropriated by the legislature  
20 directly to the fund; and

21                   (C) money from any source transferred or  
22 deposited to the credit of the fund as authorized by law;

23                   (2) any other revenue that the legislature by statute  
24 dedicates for deposit to the credit of the fund;

25                   (3) investment earnings and interest earned on amounts  
26 credited to the fund; and

27                   (4) money from gifts, grants, or donations to the

1 fund[, ~~and~~

2 [~~(5) money returned from any authorized transfer~~].

3 SECTION 1.06. Section 15.504, Water Code, is amended by  
4 amending Subsections (b), (c), and (f) and adding Subsection (f-1)  
5 to read as follows:

6 (b) Except as provided by Subsection (f), the ~~[The]~~ board  
7 may not transfer money to a fund or account described by Section  
8 15.502(b) until the application for the project for which the money  
9 is to be used has been approved.

10 (c) The board shall ensure that a portion of the money  
11 transferred from the fund is used for:

12 (1) water and wastewater infrastructure projects,  
13 prioritized by risk or need, for:

14 (A) rural political subdivisions; and

15 (B) municipalities with a population of less than  
16 150,000;

17 (2) projects for which all required state or federal  
18 permitting has been substantially completed, as determined by the  
19 board;

20 (3) the statewide water public awareness program  
21 established under Section 16.026;

22 (4) water conservation strategies; and

23 (5) water loss mitigation projects.

24 (f) The board shall:

25 (1) transfer two percent of the money deposited to the  
26 credit of the fund in each fiscal year to the Texas water fund  
27 administrative account established under Section 15.508; and



1           (2) ~~[may use the fund to]~~ pay from that account:

2                   (A) the necessary and reasonable expenses of the  
3 board in administering the fund;

4                   (B) the expenses described by Section 6.305; and

5                   (C) other expenses as authorized by law ~~[not to~~  
6 ~~exceed two percent]~~.

7           (f-1) The board may enter into an agreement with the  
8 commission to pay from the Texas water fund administrative account  
9 established under Section 15.508 the necessary and reasonable  
10 staffing expenses, not to exceed \$2 million, incurred by the  
11 commission on or before August 31, 2027, for the review of permit  
12 applications for water supply projects receiving financial  
13 assistance from the fund. This subsection expires September 1,  
14 2028.

15           SECTION 1.07. Section 15.505, Water Code, is amended to  
16 read as follows:

17           Sec. 15.505. TRANSFER OF MONEY. (a) Notwithstanding any  
18 other law:

19                   (1) the board may~~+~~  
20                           ~~[(A)]~~ transfer money from the fund into any other  
21 fund or account described by Section 15.502(b); and  
22                           ~~[(B) restore to the fund money transferred from~~  
23 ~~the fund and deposited to the credit of a fund or account described~~  
24 ~~by Section 15.502(b), and]~~

25                   (2) a fund or account described by Section 15.502(b)  
26 may accept a transfer of money made under this subchapter.

27           (b) The board may not restore to the fund money transferred

1 from the fund and deposited to the credit of a fund or account  
2 described by Section 15.502(b).

3 SECTION 1.08. Subchapter H-1, Chapter 15, Water Code, is  
4 amended by adding Section 15.508 to read as follows:

5 Sec. 15.508. ADMINISTRATIVE ACCOUNT. (a) The Texas water  
6 fund administrative account is an account in the fund administered  
7 by the board and established for the payment of the expenses  
8 incurred by the board in administering the fund, including the  
9 expenses described by Section 15.504(f)(2).

10 (b) The Texas water fund administrative account consists  
11 of:

12 (1) money appropriated to the board for deposit to the  
13 credit of the account;

14 (2) money transferred by the board to the account  
15 under Section 15.504(f) or other law; and

16 (3) depository interest allocable to the account.

17 SECTION 1.09. Section 15.703(a), Water Code, is amended to  
18 read as follows:

19 (a) The board may take all actions necessary to operate the  
20 water bank and to facilitate the transfer of water rights from the  
21 water bank for future beneficial use, including but not limited to:

22 (1) negotiating a sale price and terms acceptable to  
23 the depositor and purchaser;

24 (2) maintaining a registry of water bank deposits and  
25 those water users in need of additional supplies;

26 (3) informing water users in need of additional supply  
27 of water rights available in the bank;

1           (4) encouraging water right holders to implement water  
2 conservation practices and deposit the right to use the conserved  
3 water into the bank;

4           (5) establishing requirements for deposit of a water  
5 right into the water bank, including minimum terms for deposit;

6           (6) purchasing, holding, and transferring water or  
7 water rights in its own name, including purchasing, holding, and  
8 transferring water or water rights originating outside this state  
9 for the purpose of providing water for the use or benefit of this  
10 state;

11           (7) establishing regional water banks;

12           (8) acting as a clearinghouse for water marketing  
13 information including water availability, pricing of water  
14 transactions, environmental considerations, and potential buyers  
15 and sellers of water rights;

16           (9) preparing and publishing a manual on structuring  
17 water transactions;

18           (10) accepting and holding donations of water rights  
19 to meet instream, water quality, fish and wildlife habitat, or bay  
20 and estuary inflow needs;

21           (11) entering into contracts with persons to pay for  
22 feasibility studies or the preparation of plans and specifications  
23 relating to water conservation efforts or to estimate the amount of  
24 water that would be saved through conservation efforts; and

25           (12) other actions to facilitate water transactions.

26           SECTION 1.10. Section 16.131(a), Water Code, is amended to  
27 read as follows:

(a) The board may use the state participation account of the development fund to encourage optimum regional and interregional development of projects, including the design, acquisition, lease, construction, reconstruction, development, or enlargement in whole or part of:

(1) reservoirs and storm water retention basins for water supply, flood protection, and groundwater recharge;

(2) facilities for the transmission and treatment of water;

(3) treatment works as defined by Section 17.001; ~~and~~

(4) interregional water supply projects selected under Section 16.145; and

(5) projects described by Section 15.153(b)(1).

SECTION 1.11. The following provisions of the Water Code are repealed:

(1) Section 16.131(c); and

(2) Section 16.146(h).

## ARTICLE 2. LEGISLATIVE OVERSIGHT

SECTION 2.01. Section 15.431(1), Water Code, is amended to read as follows:

(1) "Advisory committee" means the ~~[State—Water Implementation Fund for]~~ Texas Water Fund Advisory Committee.

SECTION 2.02. Section 15.438, Water Code, is transferred to Subchapter A, Chapter 15, Water Code, redesignated as Section 15.009, Water Code, and amended to read as follows:

Sec. 15.009 [~~15.438~~]. TEXAS WATER FUND ADVISORY COMMITTEE.

(a) The [~~State Water Implementation Fund for~~] Texas Water Fund Advisory Committee is composed of the following eight [~~seven~~] members:

(1) the comptroller, or a person designated by the comptroller;

(2) three members of the senate appointed by the lieutenant governor, including:

(A) a member of the committee of the senate having primary jurisdiction over matters relating to finance; and

(B) the chair of the committee of the senate having primary jurisdiction over water resources; [~~and~~]

(3) three members of the house of representatives appointed by the speaker of the house of representatives, including:

(A) a member of the committee of the house of representatives having primary jurisdiction over appropriations; and

(B) the chair of the committee of the house of representatives having primary jurisdiction over water resources; and

(4) the director of the Texas Division of Emergency Management or the successor in function to that entity, or a person designated by that person, who serves as a nonvoting member.

(b) The board [~~following persons~~] shall designate agency personnel to serve as staff support for the advisory committee[~~+~~

~~[(1) the deputy executive administrator of the board who is responsible for water science and conservation or a person~~

1 ~~who holds an equivalent position at the agency, or a person~~  
2 ~~designated by that person;~~

3 ~~[(2) the deputy executive administrator of the board~~  
4 ~~who is responsible for water resources planning and information or~~  
5 ~~a person who holds an equivalent position at the agency, or a person~~  
6 ~~designated by that person; and~~

7 ~~[(3) the chief financial officer of the board, or a~~  
8 ~~person who holds an equivalent position at the agency].~~

9 (c) An appointed or designated member of the advisory  
10 committee serves at the will of the person who appointed or  
11 designated the member.

12 (d) The lieutenant governor shall appoint a co-presiding  
13 officer of the advisory committee from among the members appointed  
14 by the lieutenant governor, and the speaker of the house of  
15 representatives shall appoint a co-presiding officer of the  
16 committee from among the members appointed by the speaker.

17 (e) The advisory committee may hold public hearings, formal  
18 meetings, or work sessions. Either co-presiding officer of the  
19 advisory committee may call a public hearing, formal meeting, or  
20 work session of the advisory committee at any time. The advisory  
21 committee may not take formal action at a public hearing, formal  
22 meeting, or work session unless a quorum of the committee is  
23 present.

24 (f) Except as otherwise provided by this subsection, a  
25 member of the advisory committee is not entitled to receive  
26 compensation for service on the committee or reimbursement for  
27 expenses incurred in the performance of official duties as a member

1 of the committee. Service on the advisory committee by a member of  
2 the senate or house of representatives is considered legislative  
3 service for which the member is entitled to reimbursement and other  
4 benefits in the same manner and to the same extent as for other  
5 legislative service.

6 (g) As needed, the ~~[The]~~ advisory committee shall submit  
7 comments and recommendations to the board regarding the use of  
8 money in:

9 (1) the state water implementation fund for Texas  
10 established under Subchapter G ~~[fund]~~ for use by the board in  
11 adopting rules under Section 15.439 and in adopting policies and  
12 procedures under Section 15.441;

13 (2) the Texas water fund established under Subchapter  
14 H-1 for use by the board in adopting rules under Section 15.507;

15 (3) the flood infrastructure fund established under  
16 Subchapter I for use by the board in adopting rules under Section  
17 15.537; and

18 (4) the Texas infrastructure resiliency fund  
19 established under Section 16.452 for use by the board in adopting  
20 rules under Section 16.460. ~~[The submission must include:~~

21 ~~[(1) comments and recommendations on rulemaking~~  
22 ~~related to the prioritization of projects in regional water plans~~  
23 ~~and the state water plan in accordance with Section 15.437;~~

24 ~~[(2) comments and recommendations on rulemaking~~  
25 ~~related to establishing standards for determining whether projects~~  
26 ~~meet the criteria provided by Section 15.434(b);~~

27 ~~[(3) an evaluation of the available programs for~~

~~providing financing for projects included in the state water plan and guidelines for implementing those programs, including guidelines for providing financing for projects included in the state water plan that are authorized under Subchapter Q or R of this chapter, Subchapter E or F, Chapter 16, or Subchapter J, Chapter 17,~~

~~[(4) an evaluation of the lending practices of the board and guidelines for lending standards,~~

~~[(5) an evaluation of the use of funds by the board to provide support for financial assistance for water projects, including support for the purposes described by Section 15.435(c),~~

~~[(6) an evaluation of whether premium financing programs should be established within the funds described by Section 15.435 to serve the purposes of this subchapter, especially in connection with projects described by Section 15.434(b),~~

~~[(7) an evaluation of methods for encouraging participation in the procurement process by companies domiciled in this state or that employ a significant number of residents of this state, and~~

~~[(8) an evaluation of the overall operation, function, and structure of the fund.]~~

(h) The advisory committee shall review the overall operation, function, and structure of each fund listed in Subsection (g) ~~[the fund]~~ at least semiannually ~~[and may provide comments and recommendations to the board on any matter]~~.

(i) The advisory committee may:

(1) provide comments and recommendations to the board on any matter;



1           (2) review the overall operation, function, and  
2 structure of any fund established under this chapter or Chapter 16  
3 that is not listed in Subsection (g); and

4           (3) adopt rules, procedures, and policies as needed to  
5 administer this section and implement its responsibilities.

6           (j) Chapter 2110, Government Code, does not apply to the  
7 size, composition, or duration of the advisory committee.

8           (k) The advisory committee is not subject to Chapter 325,  
9 Government Code (Texas Sunset Act). [~~Unless continued in existence~~  
10 ~~as provided by that chapter, the advisory committee is abolished~~  
11 ~~and this section expires September 1, 2035.~~]

12           (1) As needed, the [~~The~~] advisory committee shall make  
13 recommendations to the board regarding information to be posted on  
14 the board's Internet website relating to the funds listed in  
15 Subsection (g) [~~under Section 15.440(b)~~].

16           (m) The advisory committee shall evaluate and may provide  
17 comments or recommendations on the feasibility of the state owning,  
18 constructing, and operating water supply projects, including  
19 reservoirs and major water supply conveyance infrastructure,  
20 through existing financial assistance programs under Subchapter E  
21 of this chapter, Subchapter E or F, Chapter 16, or other mechanisms.

22           (n) The executive administrator shall provide an annual  
23 report to the advisory committee on:

24           (1) the board's progress toward expanding state and  
25 regional water supply portfolios, including:

26                   (A) the financial commitments made by the board  
27 in support of water supply projects and management strategies over

1 the preceding year;

2 (B) the net amount of water projected to be  
3 developed, conserved, or reclaimed through the financial  
4 commitments described by Paragraph (A); and

5 (C) the progress made over the preceding year  
6 toward closing potential water supply deficits during a drought of  
7 record as described in the most recently adopted state water plan by  
8 the completion of water supply projects and the implementation of  
9 management strategies that received financial commitments from the  
10 board;

11 (2) the financial assistance provided for water and  
12 wastewater treatment facilities;

13 (3) the board's compliance with statewide annual goals  
14 relating to historically underutilized businesses; ~~and~~

15 (4) ~~(2)~~ the participation level of historically  
16 underutilized businesses in projects that receive funding related  
17 to a bond enhancement agreement under Subchapter G; and

18 (5) the activities undertaken by the board to meet its  
19 responsibilities relating to water supply conveyance coordination  
20 established under Subchapter H, Chapter 6 ~~[this subchapter]~~.

21 (o) If the aggregate level of participation by historically  
22 underutilized businesses in projects that receive funding related  
23 to a bond enhancement agreement under Subchapter G ~~[this~~  
24 ~~subchapter]~~ does not meet statewide annual goals adopted under  
25 Chapter 2161, Government Code, the advisory committee shall make  
26 recommendations to the board to improve the participation level.

27 (p) Notwithstanding Section 552.008, Government Code, the

1 advisory committee may access all records that relate to the  
2 administration of the funds described in this section that are  
3 maintained by any entity under contract with the board.

4 (g) The board, by providing information under this section  
5 that is confidential or otherwise excepted from required disclosure  
6 under law, does not waive or affect the confidentiality of the  
7 information for purposes of state or federal law or waive the right  
8 to assert exceptions to required disclosure of the information in  
9 the future. The board may require the requesting individual member  
10 of the advisory committee, the requesting advisory committee, or  
11 the members or employees of the advisory committee who will view,  
12 handle, or retain information that is received under this section  
13 and that is confidential under law to sign a confidentiality  
14 agreement that covers the information and requires that the  
15 information:

16 (1) not be disclosed to anyone but other members of the  
17 advisory committee;

18 (2) not be disclosed to another member of the advisory  
19 committee for purposes other than the purpose for which it was  
20 received;

21 (3) be labeled as confidential;

22 (4) be kept securely; and

23 (5) be controlled, such that all copies of the  
24 information or notes taken from the information that implicate the  
25 confidential nature of the information that are not destroyed or  
26 returned to the board remain confidential and subject to the  
27 confidentiality agreement.

SECTION 2.03. The following provisions of the Water Code are repealed:

- (1) Section 15.506;
- (2) Section 15.540;
- (3) Section 16.451(1); and
- (4) Section 16.456.

ARTICLE 3. PERFORMANCE AND ACCOUNTABILITY

SECTION 3.01. Subchapter D, Chapter 6, Water Code, is amended by adding Section 6.116 to read as follows:

Sec. 6.116. BIENNIAL REPORT. (a) In this section, "Texas water fund" means the fund established under Section 49-d-16, Article III, Texas Constitution, as proposed by S.J.R. 75, 88th Legislature, Regular Session, 2023.

(b) Not later than December 31 of each even-numbered year, the board shall submit to the legislature a report that describes:

(1) the transfer of money from the Texas water fund to other eligible board-administered funds in the preceding biennium;

(2) water supply projects included in the most recently adopted state water plan that received funding commitments from the board in the preceding biennium;

(3) the commitment of financial assistance in the preceding biennium from the Texas water fund for water and wastewater systems that have water losses that meet or exceed the threshold established by rule under Section 16.0121; and

(4) the state's progress toward closing potential water supply deficits during a drought of record as described in the most recently adopted state water plan.

1        (c) The board shall publish the report described by  
2 Subsection (b) on the board's Internet website.

3                    ARTICLE 4. EFFECTIVE DATES

4        SECTION 4.01. (a) Except as otherwise provided by this  
5 Act, this Act takes effect September 1, 2025.

6        (b) Section 1.05 of this Act takes effect January 1, 2026,  
7 but only if the constitutional amendment proposed by H.J.R. 7, 89th  
8 Legislature, Regular Session, 2025, is approved by the voters. If  
9 that amendment is not approved by the voters, Section 1.05 of this  
10 Act has no effect.