

AN ACT

relating to the inclusion in a regional water plan of information regarding water infrastructure facilities that may be used in an emergency shortage of water.

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

SECTION 1. Section 16.053, Water Code, is amended by amending Subsection (e) and adding Subsection (r) to read as follows:

(e) Each regional water planning group shall submit to the board a regional water plan that:

(1) is consistent with the guidance principles for the state water plan adopted by the board under Section 16.051(d);

(2) provides information based on data provided or approved by the board in a format consistent with the guidelines provided by the board under Subsection (d);

(3) identifies:

(A) each source of water supply in the regional water planning area in accordance with the guidelines provided by the board under Subsections (d) and (f);

(B) factors specific to each source of water supply to be considered in determining whether to initiate a drought response; ~~and~~

(C) actions to be taken as part of the response;

and

1 (D) existing major water infrastructure
2 facilities that may be used for interconnections in the event of an
3 emergency shortage of water;

4 (4) has specific provisions for water management
5 strategies to be used during a drought of record;

6 (5) includes but is not limited to consideration of
7 the following:

8 (A) any existing water or drought planning
9 efforts addressing all or a portion of the region;

10 (B) certified groundwater conservation district
11 management plans and other plans submitted under Section 16.054;

12 (C) all potentially feasible water management
13 strategies, including but not limited to improved conservation,
14 reuse, and management of existing water supplies, acquisition of
15 available existing water supplies, and development of new water
16 supplies;

17 (D) protection of existing water rights in the
18 region;

19 (E) opportunities for and the benefits of
20 developing regional water supply facilities or providing regional
21 management of water supply facilities;

22 (F) appropriate provision for environmental
23 water needs and for the effect of upstream development on the bays,
24 estuaries, and arms of the Gulf of Mexico and the effect of plans on
25 navigation;

26 (G) provisions in Section 11.085(k)(1) if
27 interbasin transfers are contemplated;

1 (H) voluntary transfer of water within the region
2 using, but not limited to, regional water banks, sales, leases,
3 options, subordination agreements, and financing agreements; and

4 (I) emergency transfer of water under Section
5 11.139, including information on the part of each permit, certified
6 filing, or certificate of adjudication for nonmunicipal use in the
7 region that may be transferred without causing unreasonable damage
8 to the property of the nonmunicipal water rights holder;

9 (6) identifies river and stream segments of unique
10 ecological value and sites of unique value for the construction of
11 reservoirs that the regional water planning group recommends for
12 protection under Section 16.051;

13 (7) assesses the impact of the plan on unique river and
14 stream segments identified in Subdivision (6) if the regional water
15 planning group or the legislature determines that a site of unique
16 ecological value exists; and

17 (8) describes the impact of proposed water projects on
18 water quality.

19 (r) Information described by Subsection (e)(3)(D) that is
20 included in a regional water plan submitted to the board is excepted
21 from required disclosure under the public information law, Chapter
22 552, Government Code.

23 SECTION 2. The change in law made by this Act applies only
24 to a regional water plan submitted by a regional water planning
25 group to the Texas Water Development Board on or after the effective
26 date of this Act. A regional water plan submitted before the
27 effective date of this Act is governed by the law in effect

1 immediately before the effective date of this Act, and the former
2 law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 578 was passed by the House on April 27, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 578 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor