

By: Shapleigh

S.B. No. 1406

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of the effects of climate variability on water supplies in regional and state water plans.

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

SECTION 1. Section 16.051, Water Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) Not later than January 5, 2012 [~~2002~~], and before the end of each successive five-year period after that date, the board shall prepare, develop, formulate, and adopt a comprehensive state water plan that incorporates the regional water plans approved under Section 16.053. The state water plan shall provide for the orderly development, management, and conservation of water resources and preparation for and response to drought conditions and the effects of climate variability, in order that sufficient water will be available at a reasonable cost to ensure public health, safety, and welfare; further economic development; and protect the agricultural and natural resources of the entire state.

(b-1) Until the board adopts a new state water plan under Subsection (a), the state water plan adopted by the board on November 14, 2006, shall be a guide to state water policy, and the commission shall take the plan into consideration in matters coming before it. This subsection expires January 5, 2012.

SECTION 2. Sections 16.053(a) and (e), Water Code, are

1 amended to read as follows:

2           (a) The regional water planning group in each regional water  
3 planning area shall prepare a regional water plan, using an  
4 existing state water plan identified in Section 16.051 [~~of this~~  
5 ~~code~~] and local water plans prepared under Section 16.054 [~~of this~~  
6 ~~code~~] as a guide, if present, that provides for the orderly  
7 development, management, and conservation of water resources and  
8 preparation for and response to drought conditions and the effects  
9 of climate variability in order that sufficient water will be  
10 available at a reasonable cost to ensure public health, safety, and  
11 welfare; further economic development; and protect the  
12 agricultural and natural resources of that particular region.

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

15                   (1) is consistent with the guidance principles for the  
16 state water plan adopted by the development board under Section  
17 16.051(d);

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

21                   (3) identifies:

22                           (A) each source of water supply in the regional  
23 water planning area, including information supplied by the  
24 executive administrator on the amount of managed available  
25 groundwater in accordance with the guidelines provided by the  
26 development board under Subsections (d) and (f);

27                           (B) factors specific to each source of water

supply to be considered in determining whether to initiate a drought response;

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

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

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

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

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

(B) approved groundwater conservation district management plans and other plans submitted under Section 16.054;

(C) all potentially feasible water management strategies, including but not limited to improved conservation, reuse, and management of existing water supplies, conjunctive use, acquisition of available existing water supplies, and development of new water supplies;

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

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

(F) appropriate provision for environmental water needs and for the effect of upstream development on the bays,

1 estuaries, and arms of the Gulf of Mexico and the effect of plans on  
2 navigation;

3 (G) provisions in Section 11.085(k)(1) if  
4 interbasin transfers are contemplated;

5 (H) voluntary transfer of water within the region  
6 using, but not limited to, regional water banks, sales, leases,  
7 options, subordination agreements, and financing agreements; ~~and~~

8 (I) emergency transfer of water under Section  
9 11.139, including information on the part of each permit, certified  
10 filing, or certificate of adjudication for nonmunicipal use in the  
11 region that may be transferred without causing unreasonable damage  
12 to the property of the nonmunicipal water rights holder; and

13 (J) the effects of climate variability on the  
14 water supply in the regional water planning area;

15 (6) identifies river and stream segments of unique  
16 ecological value and sites of unique value for the construction of  
17 reservoirs that the regional water planning group recommends for  
18 protection under Section 16.051;

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

23 (8) describes the impact of proposed water projects on  
24 water quality.

25 SECTION 3. This Act takes effect September 1, 2009.