

1-1 By: Shapleigh S.B. No. 1406
1-2 (In the Senate - Filed March 5, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 22, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 1, 1 present not
1-6 voting; April 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1406 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the consideration of the effects of climate variability
1-11 on water supplies in regional and state water plans.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 16.051, Water Code, is
1-14 amended to read as follows:

1-15 (a) Not later than January 5, 2012 [~~2002~~], and before the
1-16 end of each successive five-year period after that date, the board
1-17 shall prepare, develop, formulate, and adopt a comprehensive state
1-18 water plan that incorporates the regional water plans approved
1-19 under Section 16.053. The state water plan shall provide for the
1-20 orderly development, management, and conservation of water
1-21 resources and preparation for and response to drought conditions
1-22 and the effects of climate variability, in order that sufficient
1-23 water will be available at a reasonable cost to ensure public
1-24 health, safety, and welfare; further economic development; and
1-25 protect the agricultural and natural resources of the entire state.

1-26 SECTION 2. Subsection (e), Section 16.053, Water Code, is
1-27 amended to read as follows:

1-28 (e) Each regional water planning group shall submit to the
1-29 development board a regional water plan that:

1-30 (1) is consistent with the guidance principles for the
1-31 state water plan adopted by the development board under Section
1-32 16.051(d);

1-33 (2) provides information based on data provided or
1-34 approved by the development board in a format consistent with the
1-35 guidelines provided by the development board under Subsection (d);

1-36 (3) identifies:

1-37 (A) each source of water supply in the regional
1-38 water planning area, including information supplied by the
1-39 executive administrator on the amount of managed available
1-40 groundwater in accordance with the guidelines provided by the
1-41 development board under Subsections (d) and (f);

1-42 (B) factors specific to each source of water
1-43 supply to be considered in determining whether to initiate a
1-44 drought response;

1-45 (C) actions to be taken as part of the response;
1-46 and

1-47 (D) existing major water infrastructure
1-48 facilities that may be used for interconnections in the event of an
1-49 emergency shortage of water;

1-50 (4) has specific provisions for water management
1-51 strategies to be used during a drought of record;

1-52 (5) includes but is not limited to consideration of
1-53 the following:

1-54 (A) any existing water or drought planning
1-55 efforts addressing all or a portion of the region;

1-56 (B) approved groundwater conservation district
1-57 management plans and other plans submitted under Section 16.054;

1-58 (C) all potentially feasible water management
1-59 strategies, including but not limited to improved conservation,
1-60 reuse, and management of existing water supplies, conjunctive use,
1-61 acquisition of available existing water supplies, and development
1-62 of new water supplies;

1-63 (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, estuaries, and arms of the Gulf of Mexico and the effect of plans on navigation;

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

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

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

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

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

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

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

SECTION 3. Subsection (e), Section 16.053, Water Code, as amended by this Act, applies only to regional water plans required to be submitted to the Texas Water Development Board beginning with the plan required to be submitted by January 5, 2016.

SECTION 4. This Act takes effect September 1, 2009.

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