

By: Simpson

H.B. No. 3744

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a requirement that a geological survey be conducted
3 before a location may be identified as a site of unique value for
4 the construction of a reservoir or recommended for the construction
5 of a reservoir or dam.

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

7 SECTION 1. Sections 16.051(e) and (g), Water Code, are
8 amended to read as follows:

9 (e) On adoption the board shall deliver the state water plan
10 to the governor, the lieutenant governor, and the speaker of the
11 house of representatives and present the plan for review to the
12 appropriate legislative committees. The plan shall include
13 legislative recommendations that the board believes are needed and
14 desirable to facilitate more voluntary water transfers. The plan
15 shall identify river and stream segments of unique ecological value
16 and sites of unique value for the construction of reservoirs that
17 the board recommends for protection under this section. The plan
18 may not recommend for protection under this section a site of unique
19 value for the construction of a reservoir unless:

20 (1) a geological survey of the location of the
21 reservoir site that identifies any geological conditions that may
22 affect the safety of the reservoir or the dam for the reservoir has
23 been conducted; and

24 (2) the geological survey conducted under Subdivision

1 (1) indicates that there are no geological conditions that would
2 make the reservoir or dam unsafe.

3 (g) The legislature may designate a site of unique value for
4 the construction of a reservoir. A state agency or political
5 subdivision of the state may not obtain a fee title or an easement
6 that would significantly prevent the construction of a reservoir on
7 a site designated by the legislature under this subsection. A
8 location may not be designated a site of unique value for the
9 construction of a reservoir under this subsection unless:

10 (1) a geological survey of the location of the
11 reservoir site that identifies any geological conditions that may
12 affect the safety of the reservoir or the dam for the reservoir has
13 been conducted; and

14 (2) the geological survey conducted under Subdivision
15 (1) indicates that there are no geological conditions that would
16 make the reservoir or dam unsafe.

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

19 (e-2) A regional water plan submitted to the development
20 board may not identify a site of unique value for the construction
21 of a reservoir or include a project that proposes the construction
22 of a dam unless:

23 (1) a geological survey of the location of the
24 reservoir site or proposed dam that identifies any geological
25 conditions that may affect the safety of the reservoir or dam has
26 been conducted on behalf of the regional water planning group; and

27 (2) the geological survey conducted under Subdivision

1 (1) indicates that there are no geological conditions that would
2 make the reservoir or dam unsafe.

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, 2015.