

AN ACT

1
2 relating to the authority to determine the supply of groundwater in
3 and potential impacts on public health of certain regional water
4 plans.

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

6 SECTION 1. Section 16.053(e), Water Code, is amended to
7 read as follows:

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

10 (1) is consistent with the guidance principles for the
11 state water plan adopted by the development board under Section
12 16.051(d);

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

16 (2-a) is consistent with the desired future conditions
17 adopted under Section 36.108 for the relevant aquifers located in
18 the regional water planning area as of the date the board most
19 recently adopted a state water plan under Section 16.051 or, at the
20 option of the regional water planning group, established subsequent
21 to the adoption of the most recent plan; provided, however, that if
22 no groundwater conservation district exists within the area of the
23 regional water planning group, the regional water planning group
24 shall determine the supply of groundwater for regional planning

1 purposes; the Texas Water Development Board shall review and
2 approve, prior to inclusion in the regional water plan, that the
3 groundwater supply for the regional planning group without a
4 groundwater conservation district in its area is physically
5 compatible, using the board's groundwater availability models,
6 with the desired future conditions adopted under Section 36.108 for
7 the relevant aquifers in the groundwater management area that are
8 regulated by groundwater conservation districts;

9 (3) identifies:

10 (A) each source of water supply in the regional
11 water planning area, including information supplied by the
12 executive administrator on the amount of modeled available
13 groundwater in accordance with the guidelines provided by the
14 development board under Subsections (d) and (f);

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

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

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

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

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

27 (A) any existing water or drought planning

1 efforts addressing all or a portion of the region and potential
2 impacts on public health, safety, or welfare in this state;

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

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

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

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

15 (F) appropriate provision for environmental
16 water needs and for the effect of upstream development on the bays,
17 estuaries, and arms of the Gulf of Mexico and the effect of plans on
18 navigation;

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

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

24 (I) emergency transfer of water under Section
25 11.139, including information on the part of each permit, certified
26 filing, or certificate of adjudication for nonmunicipal use in the
27 region that may be transferred without causing unreasonable damage

1 to the property of the nonmunicipal water rights holder;

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

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

10 (8) describes the impact of proposed water projects on
11 water quality; and

12 (9) includes information on:

13 (A) projected water use and conservation in the
14 regional water planning area; and

15 (B) the implementation of state and regional
16 water plan projects, including water conservation strategies,
17 necessary to meet the state's projected water demands.

18 SECTION 2. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1101 passed the Senate on April 30, 2015, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 29, 2015, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 1101 passed the House, with amendments, on May 26, 2015, by the following vote: Yeas 143, Nays 2, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor