

By: Larson

H.B. No. 226

A BILL TO BE ENTITLED

AN ACT

relating to the state and regional water planning process.

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

SECTION 1. Subchapter C, Chapter 16, Water Code, is amended by adding Section 16.052 to read as follows:

Sec. 16.052. INTERREGIONAL PLANNING COUNCIL. (a) The board, at an appropriate time in each five-year cycle for the adoption of a new state water plan, shall appoint an interregional planning council. The members of the council serve until a new state water plan is adopted.

(b) The council consists of one member of each regional water planning group. Each regional water planning group shall nominate one or more members for appointment to the council, and the board shall consider the nominations in making appointments to the council.

(c) The purposes of the council are to:

(1) improve coordination among the regional water planning groups, and between each regional water planning group and the board, in meeting the goals of the state water planning process and the water needs of the state as a whole;

(2) facilitate dialogue regarding water management strategies that could affect multiple regional water planning areas; and

(3) share best practices regarding operation of the

1 regional water planning process.

2 (d) The council shall:

3 (1) hold at least one public meeting; and

4 (2) prepare a report to the board on the council's  
5 work.

6 SECTION 2. Section 16.053(e), Water Code, as reenacted and  
7 amended by H.B. No. 2215, Acts of the 85th Legislature, Regular  
8 Session, 2017, is amended to read as follows:

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

11 (1) is consistent with the guidance principles for the  
12 state water plan adopted by the development board under Section  
13 16.051(d);

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

17 (2-a) is consistent with the desired future conditions  
18 adopted under Section 36.108 for the relevant aquifers located in  
19 the regional water planning area as of the most recent deadline for  
20 the board to adopt the state water plan under Section 16.051 or, at  
21 the option of the regional water planning group, established  
22 subsequent to the adoption of the most recent plan; provided,  
23 however, that if no groundwater conservation district exists within  
24 the area of the regional water planning group, the regional water  
25 planning group shall determine the supply of groundwater for  
26 regional planning purposes; the Texas Water Development Board shall  
27 review and approve, prior to inclusion in the regional water plan,

1 that the groundwater supply for the regional planning group without  
2 a groundwater conservation district in its area is physically  
3 compatible, using the board's groundwater availability models,  
4 with the desired future conditions adopted under Section 36.108 for  
5 the relevant aquifers in the groundwater management area that are  
6 regulated by groundwater conservation districts;

7 (3) identifies:

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

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

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

17 [~~and~~]

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

21 (E) unnecessary or counterproductive variations  
22 in specific drought response strategies, including outdoor  
23 watering restrictions, among user groups in the regional water  
24 planning area that may confuse the public or otherwise impede  
25 drought response efforts;

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

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

3           (A) any existing water or drought planning  
4 efforts addressing all or a portion of the region and potential  
5 impacts on public health, safety, or welfare in this state;

6           (B) approved groundwater conservation district  
7 management plans and other plans submitted under Section [16.054](#);

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

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

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

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

22           (G) provisions in Section [11.085\(k\)\(1\)](#) if  
23 interbasin transfers are contemplated;

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

27           (I) emergency transfer of water under Section

1 11.139, including information on the part of each permit, certified  
2 filing, or certificate of adjudication for nonmunicipal use in the  
3 region that may be transferred without causing unreasonable damage  
4 to the property of the nonmunicipal water rights holder; and

5 (J) opportunities for and the benefits of  
6 developing large-scale desalination facilities for:

7 (i) marine seawater that serve local or  
8 regional entities; and

9 (ii) ~~seawater or~~ brackish groundwater  
10 that serve local or regional brackish groundwater production zones  
11 identified and designated under Section 16.060(b)(5);

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

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

20 (8) describes the impact of proposed water projects on  
21 water quality; ~~and~~

22 (9) includes information on:

23 (A) projected water use and conservation in the  
24 regional water planning area; and

25 (B) the implementation of state and regional  
26 water plan projects, including water conservation strategies,  
27 necessary to meet the state's projected water demands;

1           (10) if the regional water planning area has  
2 significant identified water needs, provides a specific assessment  
3 of the potential for aquifer storage and recovery projects to meet  
4 those needs;

5           (11) sets one or more specific goals for gallons of  
6 water use per capita per day in each decade of the period covered by  
7 the plan for the municipal water user groups in the regional water  
8 planning area; and

9           (12) assesses the progress of the regional water  
10 planning area in encouraging cooperation between water user groups  
11 for the purpose of achieving economies of scale and otherwise  
12 incentivizing strategies that benefit the entire region.

13           SECTION 3. Section 16.053(i), Water Code, as effective  
14 September 1, 2017, is amended to read as follows:

15           (i) The regional water planning groups shall submit their  
16 adopted regional water plans to the board by January 5, 2001, for  
17 approval and inclusion in the state water plan. In conjunction with  
18 the submission of regional water plans, each planning group should  
19 make legislative recommendations, if any, to facilitate more  
20 voluntary water transfers in the region or for any other changes  
21 that the members of the planning group believe would improve the  
22 water planning process. Subsequent regional water plans shall be  
23 submitted at least every five years thereafter, except that a  
24 regional water planning group may elect to implement simplified  
25 planning, no more often than every other five-year planning cycle,  
26 and in accordance with guidance to be provided by the board, if the  
27 group determines that, based on its own initial analyses using

1 updated groundwater and surface water availability information,  
2 there are no significant changes to the water availability, water  
3 supplies, or water demands in the regional water planning area. At  
4 a minimum, simplified planning will require updating groundwater  
5 and surface water availability values in the regional water plan,  
6 meeting any other new statutory or other planning requirements that  
7 come into effect during each five-year planning cycle, and formally  
8 adopting and submitting the regional water plan for approval.  
9 Public participation for revised regional plans shall follow the  
10 procedures under Subsection (h).

11 SECTION 4. The Texas Water Development Board shall appoint  
12 the members of the initial interregional planning council under  
13 Section 16.052, Water Code, as added by this Act, not later than  
14 September 1, 2018.

15 SECTION 5. This Act takes effect September 1, 2017, if it  
16 receives a vote of two-thirds of all the members elected to each  
17 house, as provided by Section 39, Article III, Texas Constitution.  
18 If this Act does not receive the vote necessary for effect on that  
19 date, this Act takes effect December 1, 2017.