

BILL ANALYSIS

Senate Research Center

S.B. 1511
By: Perry
Agriculture, Water & Rural Affairs
7/10/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties have indicated that certain updates need to be added to the regional water planning process. Regional water planning groups are integral to the state's bottom-up approach to water planning. These groups are tasked with identifying water needs and availability within their regions, and selecting/prioritizing projects in order to meet those needs. These projects are then included in the state water plan, which serves as the foundation for possible projects that can receive funding from the State Water Implementation Fund for Texas. It is important that these regional planning groups identify and prioritize feasible projects and assess any obstacles to water projects that may arise in order to meet the needs of their people.

S.B. 1511 promotes more transparency in the regional water planning process while still providing the same flexibility to those regional groups that was intended through the bottom-up approach to water planning.

S.B. 1511 amends current law relating to the state and regional water planning process and the funding of projects included in the state water plan.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Water Development Board is modified in SECTION 1 (Section 15.439, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15.439(a), Water Code, as follows:

- (a) Includes Section 15.436 (Prioritization of Projects by Regional Water Planning Groups) as one of the sections for the purposes of which the Texas Water Development Board (TWDB) is required to adopt rules providing for certain uses of the water assistance fund. Makes a nonsubstantive change.

SECTION 2. Amends Section 16.051(a-1), Water Code, as follows:

- (a-1) Requires that the state water plan include, with respect to projects included in the preceding state water plan that were given a high priority by TWDB for purposes of providing financial assistance under Subchapter G (State Water Implementation Fund for Texas), Chapter 15 (Texas Water Assistance Program), an assessment of the extent to which the projects were implemented in the decade in which they were needed and an analysis of any impediments to the implementation of any projects that were not implemented in the decade in which they were needed. Makes nonsubstantive changes.

SECTION 3. Amends Section 16.053(c), Water Code, to include the State Soil and Water Conservation Board as one of the entities required to serve as ex officio members of each regional water planning group (planning group).

SECTION 4. Amends Sections 16.053(h)(1), (3), (6), and (10), Water Code, as follows:

(1) Requires the planning group, prior to the preparation of the regional water plan (plan), to hold at least one public meeting, after notice, at some central location readily accessible to the public within the regional water planning area (planning area) to gather suggestions and recommendations from the public relating to certain issues or provisions in the plan.

(3) Makes a conforming change.

(6) Requires the involved planning groups, on resolution of an interregional conflict, to prepare revisions to their respective plans and hold, after notice, at least one public hearing at some central location readily accessible to the public within their respective planning areas.

(10) Requires the planning group, if after the plan has been approved by TWDB, the plan includes a water management strategy (strategy) or project that ceases to be feasible, to amend the plan to exclude that strategy or project and to consider amending the plan to include a feasible strategy or project in order to meet the need that was to be addressed by the infeasible strategy or project. Provides that, for purposes of this subdivision, a strategy or project is considered infeasible if the proposed sponsor of the water management strategy or project has not taken an affirmative vote or other action to make expenditures necessary to construct or file applications for permits required in connection with the implementation of the strategy or project under federal or state law on a schedule that is consistent with the completion of the implementation of the strategy or project by the time the or project is projected by the plan or the state water plan to be needed.

SECTION 5. Amends Sections 16.053(i), (p-1), and (p-2), Water Code, as follows:

(i) Requires the planning groups to submit their adopted plans to TWDB by January 5, 2001, for approval and inclusion in the state water plan. Requires subsequent plans to be submitted at least every five years thereafter, except that a planning group is authorized to elect to implement simplified planning, no more often than every other five-year planning cycle, and in accordance with guidance to be provided by TWDB, if the planning group determines that, based on its own initial analyses using updated groundwater and surface water availability information, there are no significant changes to the water availability, water supplies, or water demands in the planning area. Provides that, at a minimum, simplified planning will require updating groundwater and surface water availability values in the plan, meeting any other new statutory or other planning requirements that come into effect during each five-year planning cycle, and formally adopting and submitting the plan for approval.

(p-1) Requires the planning group to prepare any revisions to its plan specified by TWDB and hold, after notice, at least one public hearing at some central location readily accessible to the public within the planning area.

(p-2) Requires the groundwater district to prepare any revisions to its plan based on the information provided by TWDB and to hold, after notice, at least one public hearing at some central location readily accessible to the public within the district.

SECTION 6. Effective date: September 1, 2017.