

By: Larson

H.B. No. 2948

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 amended by
7 Chapters 756 (H.B. 2031), 990 (H.B. 30), and 1180 (S.B. 1101), Acts
8 of the 84th Legislature, Regular Session, 2015, is reenacted and
9 amended to read as follows:

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

12 (1) is consistent with the guidance principles for the
13 state water plan adopted by the development board under Section
14 16.051(d);

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

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

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

8 (3) identifies:

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

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

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

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

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

27 (4) has specific provisions for water management

1 strategies to be used during a drought of record;

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

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

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

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

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

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

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

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

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

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

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

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

10 (ii) [~~(J) opportunities for and the~~
11 ~~benefits of developing large-scale desalination facilities for~~
12 ~~seawater or~~] brackish groundwater that serve local or regional
13 brackish groundwater production zones identified and designated
14 under Section 16.060(b)(5);

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

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

23 (8) describes the impact of proposed water projects on
24 water quality; [~~and~~]

25 (9) includes information on:

26 (A) projected water use and conservation in the
27 regional water planning area; and

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

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

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

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

16 SECTION 3. Section 16.053(i), Water Code, is amended to
17 read as follows:

18 (i) The regional water planning groups shall submit their
19 adopted regional water plans to the board by January 5, 2001, for
20 approval and inclusion in the state water plan. In conjunction with
21 the submission of regional water plans, each planning group should
22 make legislative recommendations, if any, to facilitate more
23 voluntary water transfers in the region or for any other changes
24 that the members of the planning group believe would improve the
25 water planning process. Subsequent regional water plans shall be
26 submitted at least every five years thereafter. Public
27 participation for revised regional plans shall follow the

1 procedures under Subsection (h).

2 SECTION 4. To the extent of any conflict, this Act prevails
3 over another Act of the 85th Legislature, Regular Session, 2017,
4 relating to nonsubstantive additions to and corrections in enacted
5 codes.

6 SECTION 5. The Texas Water Development Board shall appoint
7 the members of the initial interregional planning council under
8 Section 16.052, Water Code, as added by this Act, not later than
9 September 1, 2018.

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2017.