

By: Perry  
(Price)

S.B. No. 1511

Substitute the following for S.B. No. 1511:

By: Larson

C.S.S.B. No. 1511

A BILL TO BE ENTITLED

AN ACT

relating to the state and regional water planning process and the  
funding of projects included in the state water plan.

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

SECTION 1. Section 15.439(a), Water Code, is amended to  
read as follows:

(a) The board shall adopt rules providing for the use of  
money in the fund that are consistent with this subchapter,  
including rules:

(1) establishing standards for determining whether  
projects meet the criteria provided by Section 15.434(b); and

(2) specifying the manner for prioritizing projects  
for purposes of Sections 15.436 and [Section] 15.437.

SECTION 2. Section 16.051(a-1), Water Code, is amended to  
read as follows:

(a-1) The state water plan must include:

(1) an evaluation of the state's progress in meeting  
future water needs, including an evaluation of the extent to which  
water management strategies and projects implemented after the  
adoption of the preceding state water plan have affected that  
progress; ~~and~~

(2) an analysis of the number of projects included in  
the preceding state water plan that received financial assistance  
from the board; and

1           (3) with respect to projects included in the preceding  
2 state water plan that were given a high priority by the board for  
3 purposes of providing financial assistance under Subchapter G,  
4 Chapter 15:

5           (A) an assessment of the extent to which the  
6 projects were implemented in the decade in which they were needed;  
7 and

8           (B) an analysis of any impediments to the  
9 implementation of any projects that were not implemented in the  
10 decade in which they were needed.

11           SECTION 3. Subchapter C, Chapter 16, Water Code, is amended  
12 by adding Section 16.052 to read as follows:

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

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

23           (c) The purposes of the council are to:

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

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

4           (3) share best practices regarding operation of the  
5 regional water planning process.

6           (d) The council shall:

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

8                 (2) prepare a report to the board on the council's  
9 work.

10           SECTION 4. Section 16.053(c), Water Code, is amended to  
11 read as follows:

12           (c) No later than 60 days after the designation of the  
13 regions under Subsection (b), the board shall designate  
14 representatives within each regional water planning area to serve  
15 as the initial coordinating body for planning. The initial  
16 coordinating body may then designate additional representatives to  
17 serve on the regional water planning group. The initial  
18 coordinating body shall designate additional representatives if  
19 necessary to ensure adequate representation from the interests  
20 comprising that region, including the public, counties,  
21 municipalities, industries, agricultural interests, environmental  
22 interests, small businesses, electric generating utilities, river  
23 authorities, water districts, and water utilities. The regional  
24 water planning group shall maintain adequate representation from  
25 those interests. In addition, the groundwater conservation  
26 districts located in each management area, as defined by Section  
27 36.001, located in the regional water planning area shall appoint

1 one representative of a groundwater conservation district located  
2 in the management area and in the regional water planning area to  
3 serve on the regional water planning group. In addition,  
4 representatives of the board, the Parks and Wildlife Department,  
5 ~~and~~ the Department of Agriculture, and the State Soil and Water  
6 Conservation Board shall serve as ex officio members of each  
7 regional water planning group.

8 SECTION 5. Section 16.053(e), Water Code, as amended by  
9 Chapters 756 (H.B. 2031), 990 (H.B. 30), and 1180 (S.B. 1101), Acts  
10 of the 84th Legislature, Regular Session, 2015, is reenacted and  
11 amended to read as follows:

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

14 (1) is consistent with the guidance principles for the  
15 state water plan adopted by the development board under Section  
16 16.051(d);

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

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

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

10 (3) identifies:

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

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

19 (C) actions to be taken as part of the response;  
20 [~~and~~]

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

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

1 drought response efforts;

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

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

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

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

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

16 (D) protection of existing water rights in the  
17 region;

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

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

25 (G) provisions in Section 11.085(k)(1) if  
26 interbasin transfers are contemplated;

27 (H) voluntary transfer of water within the region

1 using, but not limited to, regional water banks, sales, leases,  
2 options, subordination agreements, and financing agreements;

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

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

10 (i) marine seawater that serve local or  
11 regional entities; and

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

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

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

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

27 (9) includes information on:

1 (A) projected water use and conservation in the  
2 regional water planning area; and

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

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

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

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

18 SECTION 6. Sections 16.053(h)(1), (3), (6), and (10), Water  
19 Code, are amended to read as follows:

20 (1) Prior to the preparation of the regional water  
21 plan, the regional water planning group shall, after notice, hold  
22 at least one public meeting at some central location readily  
23 accessible to the public within the regional water planning area to  
24 gather suggestions and recommendations from the public as to issues  
25 that should be addressed in the plan or provisions that should be  
26 considered for inclusion in the plan.

27 (3) After the regional water plan is initially



1 prepared, the regional water planning group shall, after notice,  
2 hold at least one public hearing at some central location readily  
3 accessible to the public within the regional water planning area.  
4 The group shall make copies of the plan available for public  
5 inspection at least one month before the hearing by providing a copy  
6 of the plan in the county courthouse and at least one public library  
7 of each county having land in the region. Notice for the hearing  
8 shall include a listing of these and any other location where the  
9 plan is available for review.

10 (6) If an interregional conflict exists, the board  
11 shall facilitate coordination between the involved regions to  
12 resolve the conflict. If conflict remains, the board shall resolve  
13 the conflict. On resolution of the conflict, the involved regional  
14 water planning groups shall prepare revisions to their respective  
15 plans and hold, after notice, at least one public hearing at some  
16 central location readily accessible to the public within their  
17 respective regional water planning areas. The regional water  
18 planning groups shall consider all public and board comments;  
19 prepare, revise, and adopt their respective plans; and submit their  
20 plans to the board for approval and inclusion in the state water  
21 plan.

22 (10) The regional water planning group may amend the  
23 regional water plan after the plan has been approved by the board.  
24 If, after the regional water plan has been approved by the board,  
25 the plan includes a water management strategy or project that  
26 ceases to be feasible, the regional water planning group shall  
27 amend the plan to exclude that water management strategy or project

1 and shall consider amending the plan to include a feasible water  
2 management strategy or project in order to meet the need that was to  
3 be addressed by the infeasible water management strategy or  
4 project. For purposes of this subdivision, a water management  
5 strategy or project is considered infeasible if the proposed  
6 sponsor of the water management strategy or project has not taken an  
7 affirmative vote or other action to make expenditures necessary to  
8 construct or file applications for permits required in connection  
9 with the implementation of the water management strategy or project  
10 under federal or state law on a schedule that is consistent with the  
11 completion of the implementation of the water management strategy  
12 or project by the time the water management strategy or project is  
13 projected by the regional water plan or the state water plan to be  
14 needed. Subdivisions (1)-(9) apply to an amendment to the plan in  
15 the same manner as those subdivisions apply to the plan.

16 SECTION 7. Sections 16.053(i), (p-1), and (p-2), Water  
17 Code, are amended to 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, except that a  
27 regional water planning group may elect to implement simplified

1 planning, not more often than every other five-year planning cycle  
2 and in accordance with guidance provided by the board, if the group,  
3 based on an analysis by the group using updated information  
4 relating to groundwater and surface water availability, determines  
5 that no significant changes to water availability, water supplies,  
6 or water demands in the regional water planning area have occurred  
7 since the most recent regional water plan was adopted. At a  
8 minimum, simplified planning requires updating information in the  
9 regional water plan relating to groundwater and surface water  
10 availability, meeting any new statutory or other planning  
11 requirements that come into effect during each five-year planning  
12 cycle, and formally adopting and submitting the regional water plan  
13 for approval. Public participation for revised regional plans  
14 shall follow the procedures under Subsection (h).

15 (p-1) If the development board determines that resolution  
16 of the conflict requires a revision of an approved regional water  
17 plan, the development board shall suspend the approval of that plan  
18 and provide information to the regional water planning group. The  
19 regional water planning group shall prepare any revisions to its  
20 plan specified by the development board and shall hold, after  
21 notice, at least one public hearing at some central location  
22 readily accessible to the public within the regional water planning  
23 area. The regional water planning group shall consider all public  
24 and development board comments, prepare, revise, and adopt its  
25 plan, and submit the revised plan to the development board for  
26 approval and inclusion in the state water plan.

27 (p-2) If the development board determines that resolution

1 of the conflict requires a revision of the district's approved  
2 groundwater conservation district management plan, the development  
3 board shall provide information to the district. The groundwater  
4 district shall prepare any revisions to its plan based on the  
5 information provided by the development board and shall hold, after  
6 notice, at least one public hearing at some central location  
7 readily accessible to the public within the district. The  
8 groundwater district shall consider all public and development  
9 board comments, prepare, revise, and adopt its plan, and submit the  
10 revised plan to the development board.

11 SECTION 8. To the extent of any conflict, this Act prevails  
12 over another Act of the 85th Legislature, Regular Session, 2017,  
13 relating to nonsubstantive additions to and corrections in enacted  
14 codes.

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

19 SECTION 10. This Act takes effect September 1, 2017.