

By: Perry

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. Section 16.053(c), Water Code, is amended to
12 read as follows:

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

1 36.001, located in the regional water planning area shall appoint
2 one representative of a groundwater conservation district located
3 in the management area and in the regional water planning area to
4 serve on the regional water planning group. In addition,
5 representatives of the board, the Parks and Wildlife Department,
6 [~~and~~] the Department of Agriculture, and the State Soil and Water
7 Conservation Board shall serve as ex officio members of each
8 regional water planning group.

9 SECTION 4. Sections 16.053(h)(1), (3), (6), and (10), Water
10 Code, are amended to read as follows:

11 (1) Prior to the preparation of the regional water
12 plan, the regional water planning group shall, after notice, hold
13 at least one public meeting at some central location readily
14 accessible to the public within the regional water planning area to
15 gather suggestions and recommendations from the public as to issues
16 that should be addressed in the plan or provisions that should be
17 considered for inclusion in the plan.

18 (3) After the regional water plan is initially
19 prepared, the regional water planning group shall, after notice,
20 hold at least one public hearing at some central location readily
21 accessible to the public within the regional water planning area.
22 The group shall make copies of the plan available for public
23 inspection at least one month before the hearing by providing a copy
24 of the plan in the county courthouse and at least one public library
25 of each county having land in the region. Notice for the hearing
26 shall include a listing of these and any other location where the
27 plan is available for review.

1 (6) If an interregional conflict exists, the board
2 shall facilitate coordination between the involved regions to
3 resolve the conflict. If conflict remains, the board shall resolve
4 the conflict. On resolution of the conflict, the involved regional
5 water planning groups shall prepare revisions to their respective
6 plans and hold, after notice, at least one public hearing at some
7 central location readily accessible to the public within their
8 respective regional water planning areas. The regional water
9 planning groups shall consider all public and board comments;
10 prepare, revise, and adopt their respective plans; and submit their
11 plans to the board for approval and inclusion in the state water
12 plan.

13 (10) The regional water planning group may amend the
14 regional water plan after the plan has been approved by the board.
15 The regional water planning group shall consider amending the
16 approved regional water plan to include a feasible water management
17 strategy or project in order to meet the need that was to be
18 addressed by an infeasible water management strategy or project,
19 and the regional water planning group shall exclude that infeasible
20 water management strategy or project from consideration in the
21 regional water plan currently under development if, after the
22 original plan has been approved by the board, the plan includes a
23 water management strategy or project that becomes no longer
24 feasible. Subdivisions (1)-(9) apply to an amendment to the plan in
25 the same manner as those subdivisions apply to the plan.

26 SECTION 5. Sections 16.053(i), (p-1), and (p-2), Water
27 Code, are amended to read as follows:

1 (i) The regional water planning groups shall submit their
2 adopted regional water plans to the board by January 5, 2001, for
3 approval and inclusion in the state water plan. In conjunction with
4 the submission of regional water plans, each planning group should
5 make legislative recommendations, if any, to facilitate more
6 voluntary water transfers in the region. Subsequent regional water
7 plans shall be submitted at least every five years thereafter,
8 except that a regional water planning group may elect to implement
9 simplified planning, no more often than every other five-year
10 planning cycle, and in accordance with guidance to be provided by
11 the board, if the group determines that, based on its own initial
12 analyses using updated groundwater and surface water availability
13 information, there are no significant changes to the water
14 availability, water supplies, or water demands in the regional
15 water planning area. At a minimum, simplified planning will
16 require updating groundwater and surface water availability values
17 in the regional water plan, meeting any other new statutory or other
18 planning requirements that come into effect during each five-year
19 planning cycle, and formally adopting and submitting the regional
20 water plan for approval. Public participation for revised regional
21 plans shall follow the procedures under Subsection (h).

22 (p-1) If the development board determines that resolution
23 of the conflict requires a revision of an approved regional water
24 plan, the development board shall suspend the approval of that plan
25 and provide information to the regional water planning group. The
26 regional water planning group shall prepare any revisions to its
27 plan specified by the development board and shall hold, after

1 notice, at least one public hearing at some central location
2 readily accessible to the public within the regional water planning
3 area. The regional water planning group shall consider all public
4 and development board comments, prepare, revise, and adopt its
5 plan, and submit the revised plan to the development board for
6 approval and inclusion in the state water plan.

7 (p-2) If the development board determines that resolution
8 of the conflict requires a revision of the district's approved
9 groundwater conservation district management plan, the development
10 board shall provide information to the district. The groundwater
11 district shall prepare any revisions to its plan based on the
12 information provided by the development board and shall hold, after
13 notice, at least one public hearing at some central location
14 readily accessible to the public within the district. The
15 groundwater district shall consider all public and development
16 board comments, prepare, revise, and adopt its plan, and submit the
17 revised plan to the development board.

18 SECTION 6. This Act takes effect September 1, 2017.