

By: Larson, Shine

H.B. No. 807

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. Sections 16.053(e) and (i), Water Code, are  
7 amended to read as follows:

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

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

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

16 (2-a) is consistent with the desired future conditions  
17 adopted under Section 36.108 for the relevant aquifers located in  
18 the regional water planning area as of the most recent deadline for  
19 the board to adopt the state water plan under Section 16.051 or, at  
20 the option of the regional water planning group, established  
21 subsequent to the adoption of the most recent plan; provided,  
22 however, that if no groundwater conservation district exists within  
23 the area of the regional water planning group, the regional water  
24 planning group shall determine the supply of groundwater for  
25 regional planning purposes; the Texas Water Development Board shall  
26 review and approve, prior to inclusion in the regional water plan,  
27 that the groundwater supply for the regional planning group without

1 a groundwater conservation district in its area is physically  
2 compatible, using the board's groundwater availability models,  
3 with the desired future conditions adopted under Section 36.108 for  
4 the relevant aquifers in the groundwater management area that are  
5 regulated by groundwater conservation districts;

6 (3) identifies:

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

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

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

16 [~~and~~]

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

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

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

27 (5) includes but is not limited to consideration of

1 the following:

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

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

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

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

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

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

21 (G) provisions in Section 11.085(k)(1) if  
22 interbasin transfers are contemplated;

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

26 (I) emergency transfer of water under Section  
27 11.139, including information on the part of each permit, certified

1 filing, or certificate of adjudication for nonmunicipal use in the  
2 region that may be transferred without causing unreasonable damage  
3 to the property of the nonmunicipal water rights holder; and

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

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

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

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

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

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

21 (9) includes information on:

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

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

27 (10) if the regional water planning area has

1 significant identified water needs, provides a specific assessment  
2 of the potential for aquifer storage and recovery projects to meet  
3 those needs;

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

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

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

1 a minimum, simplified planning will require updating groundwater  
2 and surface water availability values in the regional water plan,  
3 meeting any other new statutory or other planning requirements that  
4 come into effect during each five-year planning cycle, and formally  
5 adopting and submitting the regional water plan for approval.  
6 Public participation for revised regional plans shall follow the  
7 procedures under Subsection (h).

8 SECTION 3. The Texas Water Development Board shall appoint  
9 the members of the initial interregional planning council under  
10 Section 16.052, Water Code, as added by this Act, not later than  
11 September 1, 2020.

12 SECTION 4. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2019.