88R1523 ANG-D

By:  Perry, et al. S.B. No. 1351

A BILL TO BE ENTITLED

AN ACT

relating to the functions of the Texas Water Development Board and continuation and functions of the State Water Implementation Fund for Texas Advisory Committee.

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

SECTION 1.  Section 6.013, Water Code, is amended to read as follows:

Sec. 6.013.  SUNSET PROVISION.  The Texas Water Development Board is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter.  The board shall be reviewed during the period in which state agencies abolished in 2035 [~~2023~~] and every 12th year after 2035 [~~2023~~] are reviewed.

SECTION 2.  Section 6.062, Water Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b)  The training program must provide the person with information regarding:

(1)  the law governing [~~legislation that created the~~] board operations;

(2)  the programs, functions, rules, and budget of [~~operated by~~] the board;

(3)  the scope of and limitations on the rulemaking authority [~~role and functions~~] of the board;

(4)  [~~the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;~~

[~~(5)  the current budget for the board;~~

[~~(6)~~]  the results of the most recent formal audit of the board;

(5) [~~(7)~~]  the requirements of:

(A)  laws relating to [~~the~~] open meetings, [~~law, Chapter 551, Government Code;~~

[~~(B)  the~~] public information, [~~law, Chapter 552, Government Code;~~

[~~(C)  the~~] administrative procedure, [~~law, Chapter 2001, Government Code;~~]  and disclosing conflicts of interest; and

(B) [~~(D)~~]  other laws applicable to members of a state policy-making body in performing their duties [~~relating to public officials, including conflict of interest laws~~]; and

(6) [~~(8)~~]  any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d)  The executive administrator shall create a training manual that includes the information required by Subsection (b). The executive administrator shall distribute a copy of the training manual annually to each member of the board. Each member of the board shall sign and submit to the executive administrator a statement acknowledging that the member received and reviewed the training manual.

SECTION 3.  Section 15.438(k), Water Code, is amended to read as follows:

(k)  The advisory committee is subject to Chapter 325, Government Code (Texas Sunset Act).  Unless continued in existence as provided by that chapter, the advisory committee is abolished and this section expires September 1, 2035 [~~2023~~].

SECTION 4.  Subchapter C, Chapter 16, Water Code, is amended by adding Section 16.0511 to read as follows:

Sec. 16.0511.  FEASIBILITY REVIEW OF CERTAIN PROJECTS IN STATE WATER PLAN. (a) Not later than January 5, 2027, and before the end of each successive five-year period after that date, the executive administrator shall evaluate the feasibility of certain projects under the state water plan, including:

(1)  projects the board has prioritized for funding;

(2)  projects involving:

(A)  reservoirs;

(B)  interstate water transfers;

(C)  innovative technology projects; and

(D)  desalination plants; and

(3)  other large projects as determined by the board.

(b)  In conducting the feasibility review, the executive administrator shall analyze for each project:

(1)  the implementation timeline;

(2)  associated costs;

(3)  land acquisition considerations; and

(4)  the economic impact.

SECTION 5.  Section 16.053, Water Code, is amended by adding Subsection (e-2) to read as follows:

(e-2)  A regional water planning group may plan for drought conditions worse than the drought of record when developing a regional water plan under Subsection (e).

SECTION 6.  Subchapter E, Chapter 16, Water Code, is amended by adding Section 16.147 to read as follows:

Sec. 16.147.  ESTABLISHMENT OF CERTAIN PERFORMANCE GOALS AND METRICS. (a) The board shall develop and implement performance goals and performance metrics as part of a comprehensive evaluation of the board's review of proposed projects for compliance with programmatic and design requirements.

(b)  The board shall periodically:

(1)  collect data regarding the performance metrics;

(2)  analyze the data described by Subdivision (1) related to the performance metrics to identify relevant trends; and

(3)  use the performance metrics to assess the board's progress toward meeting the board's performance goals.

(c)  The board shall periodically review the performance goals and performance metrics to assess the effectiveness and efficiency of the board's review of proposed projects.

(d)  The executive administrator shall periodically update the board on the implementation and analysis of the performance metrics and progress toward performance goals.

(e)  The board shall develop and implement periodic reporting schedules for all performance goals and performance metrics required under this section.

SECTION 7.  Section 17.276, Water Code, is amended by adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d-1)  The board by rule may adopt procedures allowing the use of different standards of review and approval of design criteria for plans and specifications for sewerage collection, treatment, and disposal systems.

(d-2)  In establishing the appropriate standard of review and approval for plans and specifications under Subsection (d-1), the rules must require an individualized assessment that applies risk-based considerations to each project associated with the plans and specifications, including:

(1)  any potential financial risk associated with the project;

(2)  any risk to public health associated with the project; or

(3)  other relevant financial considerations associated with the project.

(d-3)  For plans and specifications subject to a limited standard of review and approval under Subsection (d-1), the board shall require the registered professional engineer who submitted the plans and specifications to make a finding that:

(1)  the plans and specifications are in substantial compliance with standards established by the commission; and

(2)  any deviation from the standards established by the commission is based on the best professional judgment of the registered professional engineer.

SECTION 8.  The following provisions of the Water Code are repealed:

(1)  Section 15.108;

(2)  Section 15.218; and

(3)  Section 15.3061.

SECTION 9.  The changes in law made by this Act to Chapter 17, Water Code, apply only to an application submitted to the Texas Water Development Board on or after the effective date of this Act. An application submitted to the Texas Water Development Board before the effective date of this Act is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

SECTION 10.  This Act takes effect September 1, 2023.