

BILL ANALYSIS

Senate Research Center

S.B. 1268
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Water, Agriculture and Rural Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1268 addresses the Texas Water Development Board's (TWDB) process for reviewing and updating guidance principles and rules related to state water and flood plans. Currently, TWDB operates on a five-year planning cycle to develop these plans. However, existing legislation (Texas Government Code § 2001.039) mandates a four-year review cycle for all adopted state agency rules, leading to a misalignment between the planning and rule review cycles. This creates inefficiencies and inconsistencies in rule administration.

The legislation resolves this issue by aligning TWDB's rule review process with the established five-year planning cycles for state water and flood plans. By mandating a five-year review and update schedule and exempting these rules from the existing four-year review requirement, the bill enhances the efficiency and reliability of these vital planning efforts. This alignment streamlines administration and strengthens support for the state's long-term water and flood management goals.

As proposed, S.B. 1268 amends current law relating to the review and updating by the Texas Water Development Board of guidance principles and rules related to certain plans adopted or approved by the board.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Water Development Board in SECTION 1 (Section 16.051, Water Code), SECTION 2 (Section 16.053, Water Code), SECTION 3 (Section 16.061, Water Code), and SECTION 4 (Section 16.062, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.051, Water Code, by amending Subsection (d) and adding Subsection (d-1), as follows:

(d) Requires the Texas Water Development Board (TWDB) to review and update the guidance principles and any other rules related to the state water plan, with input from certain entities, as necessary but at least every five years to coincide with the five-year cycle for adoption of a new water plan as described in Subsection (a) (relating to requiring TWDB to enact by a certain time a certain state water plan to provide for certain objectives).

(d-1) Provides that the requirement to review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date under Section 2001.039(b) (relating to requiring a state agency to review a rule not later than a certain time and at a certain frequency), Government Code, does not apply to a rule related to the state water plan adopted under Section 16.051 (State Water Plan: Drought, Conservation, Development, and Management; Effect of Plan).

SECTION 2. Amends Section 16.053, Water Code, by adding Subsections (f-1) and (f-2), as follows:

(f-1) Requires TWDB to review and update rules adopted under Section 16.053 (Regional Water Plans) as necessary but at least every five years to coincide with the five-year cycle for adoption of a new water plan as described in Section 16.051.

(f-2) Provides that the requirement to review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date under Section 2001.039(b), Government Code, does not apply to a rule adopted under this section.

SECTION 3. Amends Section 16.061, Water Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Requires TWDB to review and revise the guidance principles and any other rules related to the state flood plan, with input from certain entities, as necessary and at least every fifth year to coincide with the five-year cycle for adoption of a new state flood plan.

(c-1) Provides that the requirement to review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date under Section 2001.039(b), Government Code, does not apply to a rule adopted under Section 16.061 (State Flood Plan).

SECTION 4. Amends Section 16.062, Water Code, by adding Subsections (m) and (n), as follows:

(m) Requires TWDB to review and update rules under Section 16.062 (Regional Flood Planning) as necessary but at least every five years to coincide with the five-year cycle for adoption of a new flood plan as described by Section 16.061.

(n) Provides that the requirement to review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date under Section 2001.039(b), Government Code, does not apply to a rule adopted under this section.

SECTION 5. Effective date: September 1, 2025.