

1-1 By: Larson, Shine (Senate Sponsor - Buckingham) H.B. No. 807
 1-2 (In the Senate - Received from the House April 3, 2019;
 1-3 April 4, 2019, read first time and referred to Committee on Water &
 1-4 Rural Affairs; May 15, 2019, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the state and regional water planning process.
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Subchapter C, Chapter 16, Water Code, is amended
 1-20 by adding Section 16.052 to read as follows:
 1-21 Sec. 16.052. INTERREGIONAL PLANNING COUNCIL. (a) The
 1-22 board, at an appropriate time in each five-year cycle for the
 1-23 adoption of a new state water plan, shall appoint an interregional
 1-24 planning council. The members of the council serve until a new
 1-25 state water plan is adopted.
 1-26 (b) The council consists of one member of each regional
 1-27 water planning group. Each regional water planning group shall
 1-28 nominate one or more members for appointment to the council, and the
 1-29 board shall consider the nominations in making appointments to the
 1-30 council.
 1-31 (c) The purposes of the council are to:
 1-32 (1) improve coordination among the regional water
 1-33 planning groups, and between each regional water planning group and
 1-34 the board, in meeting the goals of the state water planning process
 1-35 and the water needs of the state as a whole;
 1-36 (2) facilitate dialogue regarding water management
 1-37 strategies that could affect multiple regional water planning
 1-38 areas; and
 1-39 (3) share best practices regarding operation of the
 1-40 regional water planning process.
 1-41 (d) The council shall:
 1-42 (1) hold at least one public meeting; and
 1-43 (2) prepare a report to the board on the council's
 1-44 work.
 1-45 SECTION 2. Sections 16.053(e) and (i), Water Code, are
 1-46 amended to read as follows:
 1-47 (e) Each regional water planning group shall submit to the
 1-48 development board a regional water plan that:
 1-49 (1) is consistent with the guidance principles for the
 1-50 state water plan adopted by the development board under Section
 1-51 16.051(d);
 1-52 (2) provides information based on data provided or
 1-53 approved by the development board in a format consistent with the
 1-54 guidelines provided by the development board under Subsection (d);
 1-55 (2-a) is consistent with the desired future conditions
 1-56 adopted under Section 36.108 for the relevant aquifers located in
 1-57 the regional water planning area as of the most recent deadline for
 1-58 the board to adopt the state water plan under Section 16.051 or, at
 1-59 the option of the regional water planning group, established
 1-60 subsequent to the adoption of the most recent plan; provided,
 1-61 however, that if no groundwater conservation district exists within

2-1 the area of the regional water planning group, the regional water
 2-2 planning group shall determine the supply of groundwater for
 2-3 regional planning purposes; the Texas Water Development Board shall
 2-4 review and approve, prior to inclusion in the regional water plan,
 2-5 that the groundwater supply for the regional planning group without
 2-6 a groundwater conservation district in its area is physically
 2-7 compatible, using the board's groundwater availability models,
 2-8 with the desired future conditions adopted under Section 36.108 for
 2-9 the relevant aquifers in the groundwater management area that are
 2-10 regulated by groundwater conservation districts;

2-11 (3) identifies:

2-12 (A) each source of water supply in the regional
 2-13 water planning area, including information supplied by the
 2-14 executive administrator on the amount of modeled available
 2-15 groundwater in accordance with the guidelines provided by the
 2-16 development board under Subsections (d) and (f);

2-17 (B) factors specific to each source of water
 2-18 supply to be considered in determining whether to initiate a
 2-19 drought response;

2-20 (C) actions to be taken as part of the response;
 2-21 [~~and~~]

2-22 (D) existing major water infrastructure
 2-23 facilities that may be used for interconnections in the event of an
 2-24 emergency shortage of water; and

2-25 (E) unnecessary or counterproductive variations
 2-26 in specific drought response strategies, including outdoor
 2-27 watering restrictions, among user groups in the regional water
 2-28 planning area that may confuse the public or otherwise impede
 2-29 drought response efforts;

2-30 (4) has specific provisions for water management
 2-31 strategies to be used during a drought of record;

2-32 (5) includes but is not limited to consideration of
 2-33 the following:

2-34 (A) any existing water or drought planning
 2-35 efforts addressing all or a portion of the region and potential
 2-36 impacts on public health, safety, or welfare in this state;

2-37 (B) approved groundwater conservation district
 2-38 management plans and other plans submitted under Section 16.054;

2-39 (C) all potentially feasible water management
 2-40 strategies, including but not limited to improved conservation,
 2-41 reuse, and management of existing water supplies, conjunctive use,
 2-42 acquisition of available existing water supplies, and development
 2-43 of new water supplies;

2-44 (D) protection of existing water rights in the
 2-45 region;

2-46 (E) opportunities for and the benefits of
 2-47 developing regional water supply facilities or providing regional
 2-48 management of water supply facilities;

2-49 (F) appropriate provision for environmental
 2-50 water needs and for the effect of upstream development on the bays,
 2-51 estuaries, and arms of the Gulf of Mexico and the effect of plans on
 2-52 navigation;

2-53 (G) provisions in Section 11.085(k)(1) if
 2-54 interbasin transfers are contemplated;

2-55 (H) voluntary transfer of water within the region
 2-56 using, but not limited to, regional water banks, sales, leases,
 2-57 options, subordination agreements, and financing agreements;

2-58 (I) emergency transfer of water under Section
 2-59 11.139, including information on the part of each permit, certified
 2-60 filing, or certificate of adjudication for nonmunicipal use in the
 2-61 region that may be transferred without causing unreasonable damage
 2-62 to the property of the nonmunicipal water rights holder; and

2-63 (J) opportunities for and the benefits of
 2-64 developing large-scale desalination facilities for:

2-65 (i) marine seawater that serve local or
 2-66 regional entities; and

2-67 (ii) [~~seawater or~~] brackish groundwater
 2-68 that serve local or regional brackish groundwater production zones
 2-69 identified and designated under Section 16.060(b)(5);

3-1 (6) identifies river and stream segments of unique
3-2 ecological value and sites of unique value for the construction of
3-3 reservoirs that the regional water planning group recommends for
3-4 protection under Section 16.051;

3-5 (7) assesses the impact of the plan on unique river and
3-6 stream segments identified in Subdivision (6) if the regional water
3-7 planning group or the legislature determines that a site of unique
3-8 ecological value exists;

3-9 (8) describes the impact of proposed water projects on
3-10 water quality; ~~and~~

3-11 (9) includes information on:

3-12 (A) projected water use and conservation in the
3-13 regional water planning area; and

3-14 (B) the implementation of state and regional
3-15 water plan projects, including water conservation strategies,
3-16 necessary to meet the state's projected water demands;

3-17 (10) if the regional water planning area has
3-18 significant identified water needs, provides a specific assessment
3-19 of the potential for aquifer storage and recovery projects to meet
3-20 those needs;

3-21 (11) sets one or more specific goals for gallons of
3-22 water use per capita per day in each decade of the period covered by
3-23 the plan for the municipal water user groups in the regional water
3-24 planning area; and

3-25 (12) assesses the progress of the regional water
3-26 planning area in encouraging cooperation between water user groups
3-27 for the purpose of achieving economies of scale and otherwise
3-28 incentivizing strategies that benefit the entire region.

3-29 (i) The regional water planning groups shall submit their
3-30 adopted regional water plans to the board by January 5, 2001, for
3-31 approval and inclusion in the state water plan. In conjunction with
3-32 the submission of regional water plans, each planning group should
3-33 make legislative recommendations, if any, to facilitate more
3-34 voluntary water transfers in the region or for any other changes
3-35 that the members of the planning group believe would improve the
3-36 water planning process. Subsequent regional water plans shall be
3-37 submitted at least every five years thereafter, except that a
3-38 regional water planning group may elect to implement simplified
3-39 planning, no more often than every other five-year planning cycle,
3-40 and in accordance with guidance to be provided by the board, if the
3-41 group determines that, based on its own initial analyses using
3-42 updated groundwater and surface water availability information,
3-43 there are no significant changes to the water availability, water
3-44 supplies, or water demands in the regional water planning area. At
3-45 a minimum, simplified planning will require updating groundwater
3-46 and surface water availability values in the regional water plan,
3-47 meeting any other new statutory or other planning requirements that
3-48 come into effect during each five-year planning cycle, and formally
3-49 adopting and submitting the regional water plan for approval.
3-50 Public participation for revised regional plans shall follow the
3-51 procedures under Subsection (h).

3-52 SECTION 3. The Texas Water Development Board shall appoint
3-53 the members of the initial interregional planning council under
3-54 Section 16.052, Water Code, as added by this Act, not later than
3-55 September 1, 2020.

3-56 SECTION 4. This Act takes effect immediately if it receives
3-57 a vote of two-thirds of all the members elected to each house, as
3-58 provided by Section 39, Article III, Texas Constitution. If this
3-59 Act does not receive the vote necessary for immediate effect, this
3-60 Act takes effect September 1, 2019.

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