

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 If, after the regional water plan has been approved by the board,  
16 the plan includes a water management strategy or project that  
17 ceases to be feasible, the regional water planning group shall  
18 amend the plan to exclude that water management strategy or project  
19 and shall consider amending the plan to include a feasible water  
20 management strategy or project in order to meet the need that was to  
21 be addressed by the infeasible water management strategy or  
22 project. For purposes of this subdivision, a water management  
23 strategy or project is considered infeasible if the proposed  
24 sponsor of the water management strategy or project has not taken an  
25 affirmative vote or other action to make expenditures necessary to  
26 construct or file applications for permits required in connection  
27 with the implementation of the water management strategy or project

1 under federal or state law on a schedule that is consistent with the  
2 completion of the implementation of the water management strategy  
3 or project by the time the water management strategy or project is  
4 projected by the regional water plan or the state water plan to be  
5 needed. Subdivisions (1)-(9) apply to an amendment to the plan in  
6 the same manner as those subdivisions apply to the plan.

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

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

1 water plan for approval. Public participation for revised regional  
2 plans shall follow the procedures under Subsection (h).

3 (p-1) If the development board determines that resolution  
4 of the conflict requires a revision of an approved regional water  
5 plan, the development board shall suspend the approval of that plan  
6 and provide information to the regional water planning group. The  
7 regional water planning group shall prepare any revisions to its  
8 plan specified by the development board and shall hold, after  
9 notice, at least one public hearing at some central location  
10 readily accessible to the public within the regional water planning  
11 area. The regional water planning group shall consider all public  
12 and development board comments, prepare, revise, and adopt its  
13 plan, and submit the revised plan to the development board for  
14 approval and inclusion in the state water plan.

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

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1511 passed the Senate on April 19, 2017, by the following vote: Yeas 31, Nays 0; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1511 passed the House, with amendments, on May 24, 2017, by the following vote: Yeas 144, Nays 3, one present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 28, 2017, House adopted Conference Committee Report by the following vote: Yeas 146, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor