

BILL ANALYSIS

Senate Research Center
81R4769 TRH-D

S.B. 1406
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current water planning efforts in Texas were passed by the Legislature in 1997. Because it emphasized involving local stakeholders, the new plan made significant changes to water planning in Texas. Under the plan, 16 regional water planning groups (RWPGs) organized independently to anticipate water demands and evaluate strategies to meet future water needs. The process is coordinated by the Texas Water Development Board (TWDB), which is the agency charged with reviewing and approving plans developed in each region. Additionally, TWDB compiles each regional report into a statewide water plan.

Presently, each RWPG is required to create a plan to address water supply and demand issues in their region for the next 50 years. The first plans were approved in 2002 and a new plan has to be created for each region every five years. In drafting a regional water plan, each RWPG examines water demands, identifies areas where there is a shortage or surplus of water, and determines whether there are sufficient supplies during droughts. The current planning process, however, fails to account for climate variability and therefore is unable to accomplish its mandated purpose.

Because the environment directly impacts the state's water supply, a special emphasis on climate variability must be accounted for when determining the state's water plan. Without taking special consideration of the environmental changes projected to occur over the course of every plan, each water plan is inaccurate and the state's water planning process is inadequate.

In addition, S.B. 1762, 80th Legislature, Regular Session, 2007, directs TWDB to host a conference to review potential impacts of climate change on surface water supplies in the Far West Texas region. The findings and recommendations from the conference were to inform the Far West Texas RWPG as well as the other 15 RWPGs on both science and policy issues related to climate change. One of the four policy recommendations from the report directs the RWPGs to consider climate change in water planning.

As proposed, S.B. 1406 requires TWDB and each RWPG to take climate variability into consideration when drafting a water plan.

[**Note:** While the statutory reference in this bill is to Texas Natural Resources Conservation Commission (TNRCC), the following amendments affect Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

- (a) Requires the Texas Water Development Board (TWDB), not later than January 5, 2012, rather than January 5, 2002, and before the end of each successive five-year period after that date, to prepare, develop, formulate, and adopt a comprehensive state water plan that incorporates the regional water plans approved under Section 16.053 (Regional

Water Plans). Requires the state water plan to provide for the resources and preparation for and response to drought conditions and the effects of climate variability, in order that sufficient water will be available at a reasonable cost to ensure public health, safety, and welfare; further economic development; and protect the agricultural and natural resources of the entire state.

(b-1) Requires that the state water plan adopted by TWDB on November 14, 2006, be a guide to state water policy, and that the Texas Natural Resources Conservation Commission (TNRCC), until TWDB adopts a new state water plan under Subsection (a), take the plan into consideration in matters coming before it. Provides that this subsection expires January 5, 2012.

SECTION 2. Amends Sections 16.053(a) and (e), Water Code, as follows:

(a) Makes conforming and nonsubstantive changes.

(e) Requires each regional water planning group to submit to TWDB a regional water plan that includes but is not limited to consideration of the effects of climate variability on the water supply in the regional water planning area.

SECTION 3. Effective date: September 1, 2009.