

CHAPTER 20

S.B. No. 324

AN ACT

relating to the determination of feasibility of and designation of local sponsors for federal water projects by the Texas Water Development Board and the Texas Water Commission.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subsections (b) through (f), Section 12.051, Water Code, as amended, are amended to read as follows:

(b) When the governor receives an engineering report submitted by a federal agency seeking the governor's approval of a federal project, he shall immediately forward the report to the *board* [~~commission~~] for its study concerning the feasibility of the federal project.

(c) The *board* [~~commission~~] shall hold a public hearing to receive the views of persons and groups who might be affected by the proposed federal project. The *board* [~~commission~~] shall publish notice of the time, date, place, nature, and purpose of the public hearing once each week for two consecutive weeks before the date stated in the notice in a newspaper having general circulation in the section of the state where the federal project is to be located or the work done.

(d) After hearing all the evidence both for and against approval of the federal project, the *board* [~~commission~~] shall enter its order approving or disapproving the feasibility of the federal project, and the order shall include the *board's* [~~commission's~~] reasons for approval or disapproval.

(e) In determining feasibility, the *board* [~~commission~~] shall consider, among other relevant factors:

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- (1) the effect of the federal project on water users on the stream as certified by the commission;
- (2) the public interest to be served;
- (3) the development of damsites to the optimum potential for water conservation;
- (4) the integration of the federal project with other water conservation activities;
- (5) the protection of the state's interests in its water resources; and
- (6) the engineering practicality of the federal project, including cost of construction, operation, and maintenance.

(f) The *board* [~~commission~~] shall forward to the governor a certified copy of its order. The *board's* [~~commission's~~] finding that the federal project is either feasible or not feasible is final, and the governor shall notify the federal agency that the federal project has been either approved or disapproved.

SECTION 2. Subsections (a), (d), (e), and (g), Section 16.092, Water Code, as amended, are amended to read as follows:

(a) When a project is proposed for planning or development by the board, the Corps of Engineers of the United States Army, or the Bureau of Reclamation of the United States Department of the Interior, any political subdivision may apply to the executive *director* [~~administrator~~] for designation as the cooperating local sponsor of the project.

(d) The *commission* [~~board~~] shall prescribe the form to be used in applications for designation as cooperating local sponsor. Before accepting the application, the commission may require that the applicant complete the prescribed form.

(e) Before making any designation of local sponsorship, the *commission* [~~board~~] shall set the application for hearing and give public notice of the hearing. Any interested party may appear and be heard for or against the designation of the applicant as project sponsor.

(g) After a public hearing, the *commission* [~~board~~], by written order, shall grant or reject the application and shall state its reasons. The commission may set a reasonable time period for any sponsorship designation.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on February 23, 1987, by a viva-voce vote. Passed the House on April 2, 1987, by a non-record vote.

Approved April 14, 1987.

Effective September 1, 1987.