

House Bill 4 criteria to be used in developing prioritization of water plan projects

As excerpted from House Bill 4, 83rd Texas Legislature:

Sec. 15.436.

PRIORITIZATION OF PROJECTS BY REGIONAL WATER PLANNING GROUPS.

- (a) Each regional water planning group shall prioritize projects in its respective regional water plan for the purposes of Section 15.435. At a minimum, a regional water planning group must consider the following criteria in prioritizing each project:
 - (1) the decade in which the project will be needed;
 - (2) the feasibility of the project, including the availability of water rights for purposes of the project and the hydrological and scientific practicability of the project;
 - (3) the viability of the project, including whether the project is a comprehensive solution with a measurable outcome;
 - (4) the sustainability of the project, taking into consideration the life of the project; and
 - (5) the cost-effectiveness of the project, taking into consideration the expected unit cost of the water to be supplied by the project.
- (b) In prioritizing projects, each regional water planning group shall include projects that meet long-term needs as well as projects that meet short-term needs.
- (c) The board shall create a stakeholders committee composed of the presiding officer or a person designated by the presiding officer of each regional water planning group to establish uniform standards to be used by the regional water planning groups in prioritizing projects under this section. Uniform standards established under this subsection must be approved by the board. The board shall consult the stakeholders committee from time to time regarding regional prioritization of projects.
- (d) Each regional water planning group shall submit to the board the prioritization developed by the group under this section together with the group's respective regional water plan developed and submitted under Section 16.053.

Sec. 15.437. PRIORITIZATION OF PROJECTS BY TWDB.

- (a) The board shall prioritize projects included in the state water plan for the purpose of providing financial assistance under this subchapter.
- (b) The board shall establish a point system for prioritizing projects for which financial assistance is sought from the board. The system must include a standard for the board to apply in determining whether a project qualifies for financial assistance at the time the application for financial assistance is filed with the board.
- (c) The board shall give the highest consideration in awarding points to projects that will have a substantial effect, including projects that will:
 - (1) serve a large population;
 - (2) provide assistance to a diverse urban and rural population;
 - (3) provide regionalization; or
 - (4) meet a high percentage of the water supply needs of the water users to be served by the project.
- (d) In addition to the criteria provided by Subsection (c), the board must also consider at least the following criteria in prioritizing projects:
 - (1) the local contribution to be made to finance the project, including the up-front capital to be provided by the applicant;
 - (2) the financial capacity of the applicant to repay the financial assistance provided;
 - (3) the ability of the board and the applicant to timely leverage state financing with local and federal funding;
 - (4) whether there is an emergency need for the project, taking into consideration whether:
 - (A) the applicant is included at the time of the application on the list maintained by the commission of local public water systems that have a water supply that will last less than 180 days without additional rainfall; and
 - (B) federal funding for which the project is eligible has been used or sought;
 - (5) if the applicant is applying for financial assistance for the project under Subchapter Q, whether the applicant is ready to proceed with the project at the time of the application, including whether:
 - (A) all preliminary planning and design work associated with the project has been completed;
 - (B) the applicant has acquired the water rights associated with the project;
 - (C) the applicant has secured funding for the project from other sources; and
 - (D) the applicant is able to begin implementing or constructing the project;
 - (6) the demonstrated or projected effect of the project on water conservation, including preventing the loss of water, taking into consideration, if applicable, whether the applicant has filed a water audit with the board under Section 16.0121 that demonstrates that the applicant is accountable with regard to reducing water loss and increasing efficiency in the distribution of water; and
 - (7) the priority given the project by the applicable regional water planning group under Section 15.436.