

BILL ANALYSIS

C.S.H.B. 2452
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The current drought in Texas has severely constrained surface water supplies across the state. Interested parties note that in the Brazos River Basin in particular, senior water rights were threatened in recent years due to the drought. The interested parties contend that the creation of a watermaster program for the Brazos River would assist the state in allocating, monitoring, and controlling the use of surface water on the river. C.S.H.B. 2452 seeks to address this issue by establishing provisions relating to the appointment of a watermaster for the Brazos River Basin.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2452 amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ) to create a water division that includes the entire Brazos River Basin. The bill requires the executive director of TCEQ to appoint a watermaster for that water division. The bill caps an annual fee assessed by TCEQ to fund the Brazos River watermaster program at \$120 for the holder of a right to appropriate water from the Brazos River solely for agricultural use and prohibits the fee from being assessed against a person who takes water solely for domestic or livestock purposes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2452 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 11.325, Water Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 11.326(a), Water Code, is amended.	SECTION 2. Same as introduced version.

No equivalent provision.

SECTION 3. Section 11.329, Water Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) The commission shall hold a public hearing on the proposed fiscal year budget for each watermaster operation. The commission shall determine the apportionment of the costs of administration of adjudicated water rights among the holders of the rights. After a public hearing, the commission shall issue an order assessing the annual cost against the holders of water rights to whom the water will be distributed under the final decree. Subject to Subsection (c-1), the [The] commission shall equitably apportion the costs. The executive director may provide for payments in installments and shall specify the dates by which payments shall be made to the commission. At the request of the watermaster advisory committee the commission may modify a fiscal year budget for any water division.

(c-1) An annual fee assessed by the commission to fund the Brazos River watermaster program may not:

(1) exceed \$120 for the holder of a right to appropriate water from the Brazos River solely for agricultural use; or

(2) be assessed against a person who takes water solely for domestic or livestock purposes.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 4. Same as introduced version.