

BILL ANALYSIS

Senate Research Center
83R17555 JAM-D

H.B. 3604
By: Burnam; Lucio III (Hegar)
Natural Resources
5/9/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The state recently experienced what was reported to be its worst single-year drought, with the statewide reservoir storage at its lowest point in several decades, and agricultural losses in excess of several billion dollars. Further, exceptional drought conditions have affected most of the state in recent times.

Certain public water suppliers and irrigation districts are required to develop drought contingency plans, which are used by regional water planning groups for developing projections for local future water supply and demand needs, and when the governor declares a state of disaster due to drought conditions, those entities in the affected areas are required to immediately implement their water conservation or drought contingency plans.

It has been reported that when a recent state of disaster due to drought conditions was declared, only a fraction of applicable entities in the disaster areas reported that they were implementing mandatory restrictions as part of their drought contingency plans, and it was speculated that this lack of reporting could be due to entities choosing to implement their water conservation plans instead. Noting that water conservation plans are for long-term water use and efficiency and should always be implemented, while drought contingency plans are to address short-term need due to temporary conditions, interested parties contend that applicable entities should be implementing both their water conservation plans and their drought contingency plans as needed during a drought emergency.

H.B. 3604 amends current law relating to the implementation of a water conservation plan and drought contingency plan, as applicable, by certain entities.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the 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 16.055, Water Code, by amending Subsection (h) and adding Subsection (j), as follows:

(h) Requires a person or entity, on receipt of the notice under Subsection (g)(2)(B) (relating to requiring the county to give notice of the declaration of the state of disaster to each person or entity located in the county that is required to develop certain plans), to immediately implement the person's or entity's water conservation plan and drought contingency plan, as applicable. Makes nonsubstantive changes.

(j) Authorizes the Texas Water Development Board (TWDB) to notify the Texas Natural Resource Conservation Commission (TNRCC) if TWDB determines that a person or entity has violated Subsection (h). Provides that, notwithstanding Section 7.051(b)

(relating to providing that this subchapter does not apply to violations of certain chapters), a violation of Subsection (h) is enforceable in the manner provided by Chapter 7 (Enforcement) for a violation of a provision of this code within TNRCC's jurisdiction or of a rule adopted by TNRCC under a provision of this code within TNRCC's jurisdiction.

SECTION 2. Effective date: September 1, 2013.