

## **BILL ANALYSIS**

C.S.H.B. 3604  
By: Burnam  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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. C.S.H.B. 3604 seeks to address this issue by establishing provisions relating to the implementation of a water conservation plan and drought contingency plan, as applicable, by certain entities.

### **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. 3604 amends the Water Code to specify that the requirement that a person or entity required to develop a water conservation plan or a drought contingency plan under certain statutory provisions relating to permits to use state water immediately implement the water conservation plan or drought contingency plan on receipt of a notice of a declaration of a state of disaster in the county due to drought conditions applies to the implementation of the water conservation plan and drought contingency plan, as applicable. The bill authorizes the Texas Water Development Board (TWDB) to notify the Texas Commission on Environmental Quality (TCEQ) if the TWDB determines that a person or entity has violated such requirement. The bill establishes that such a violation is enforceable in a prescribed manner for a violation of a provision of the Water Code within TCEQ's jurisdiction or of a rule adopted by TCEQ under such a provision.

**EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3604 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**

SECTION 1. Section 16.055(h), Water Code, is amended to read as follows:

(h) On receipt of the notice under Subsection (g)(2)(B), a ~~[the]~~ person or entity **required to develop a drought contingency plan** shall immediately implement the person's or entity's ~~[water conservation plan or drought contingency]~~ plan.

**No equivalent provision.**

SECTION 2. This Act takes effect September 1, 2013.

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 16.055, Water Code, is amended by amending Subsection (h) and adding Subsection (j) to read as follows:

(h) On receipt of the notice under Subsection (g)(2)(B), the person or entity shall immediately implement the person's or entity's **water conservation plan and [ø] drought contingency plan, as applicable.**

(j) The board may notify the commission if the board determines that a person or entity has violated Subsection (h). Notwithstanding Section 7.051(b), a violation of Subsection (h) is enforceable in the manner provided by Chapter 7 for a violation of a provision of this code within the commission's jurisdiction or of a rule adopted by the commission under a provision of this code within the commission's jurisdiction.

SECTION 2. Same as introduced version.