

By: Schaefer

H.B. No. 1776

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the definition of "drought" for the purposes of
3 emergency orders concerning water rights issued by the executive
4 director of the Texas Commission on Environmental Quality.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 11.053, Water Code, is amended by
7 amending Subsections (a) and (c) and adding Subsection (c-1) to
8 read as follows:

9 (a) During a period of drought or other emergency shortage
10 of water, [~~as defined by commission rule,~~] the executive director
11 by order may, in accordance with the priority of water rights
12 established by Section 11.027:

13 (1) temporarily suspend the right of any person who
14 holds a water right to use the water; and

15 (2) temporarily adjust the diversions of water by
16 water rights holders.

17 (c) The commission shall adopt rules to implement this
18 section, including rules:

19 (1) defining an [~~a drought or other~~] emergency
20 shortage of water for purposes of this section; and

21 (2) specifying the:

22 (A) conditions under which the executive
23 director may issue an order under this section;

24 (B) terms of an order issued under this section,

1 including the maximum duration of a temporary suspension or
2 adjustment under this section; and

3 (C) procedures for notice of, an opportunity for
4 a hearing on, and the appeal to the commission of an order issued
5 under this section.

6 (c-1) For the purposes of this section, "drought" means a
7 drought classified as "exceptional" or "D4" by the National Drought
8 Mitigation Center in accordance with the center's Drought Severity
9 Classification scheme.

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