

By: Schaefer

H.B. No. 1780

A BILL TO BE ENTITLED

1 AN ACT

2 relating to emergency orders concerning water rights issued by the
3 executive director of the Texas Commission on Environmental
4 Quality.

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

6 SECTION 1. Section 11.053, Water Code, is amended by adding
7 Subsections (b-1), (b-2), (b-3), and (b-4) and amending Subsection
8 (c) to read as follows:

9 (b-1) The executive director shall notify the water rights
10 holders who may be affected by an order proposed to be issued under
11 this section of the proposed order not later than the 30th day
12 before the date the proposed order takes effect.

13 (b-2) Not later than the 14th day after the date a person
14 receives the notice, the person may request that the commission
15 hold a hearing to affirm, modify, or set aside the proposed order.

16 (b-3) If the commission receives a request under Subsection
17 (b-2), the commission shall hold a hearing on the proposed order
18 before the date the proposed order takes effect. At or following the
19 hearing, but not later than the date the proposed order takes
20 effect, the commission shall affirm, modify, or set aside the
21 proposed order.

22 (b-4) If a person files a petition for judicial review under
23 Subchapter I, Chapter 5, of a commission decision issued under this
24 section, the court shall expedite review of the decision.

1 (c) The commission shall adopt rules to implement this
2 section, including rules:

3 (1) defining a drought or other emergency shortage of
4 water that is not caused by a drought for purposes of this section;
5 and

6 (2) specifying the:

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

9 (B) terms of an order issued under this section,
10 including the maximum duration of a temporary suspension or
11 adjustment under this section; and

12 (C) procedures for notice of and~~[7]~~ an
13 opportunity for a hearing on~~[7, and the appeal to the commission of]~~
14 an order issued under this section.

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