

## **BILL ANALYSIS**

Senate Research Center  
84R1539 JXC-F

S.B. 521  
By: Fraser et al.  
Agriculture, Water & Rural Affairs  
3/31/2015  
Committee Report (Amended)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 521 amends Section 11.139, Water Code, by extending the initial period for which the Texas Commission on Environmental Quality (TCEQ) may issue an emergency permit, order, or amendment to an existing water right permit from 120 days to two years. The bill would also extend the period for which TCEQ may renew the emergency authorization from 60 days to successive periods of no more than one year each. Under the bill, such renewals may be automatic under the terms of the emergency authorization.

S.B. 521 provides TCEQ with a more efficient process for responding to the need for emergency authorizations during periods of extended drought, such as the drought Texas is currently experiencing. Under the current statute, TCEQ needs to take official action three or four times to ensure that an emergency authorization, such as the Lower Colorado River Authority emergency order, extends throughout a calendar year. Currently, each order and renewal requires a separate application and extensive review by TCEQ staff to review the application and prepare a new order. This bill would allow for a more streamlined process.

S.B. 521 amends current law relating to the period for which the Texas Commission on Environmental Quality may grant or renew an emergency authorization relating to the use of state water.

[**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 11.139, Water Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes the Texas Natural Resource Conservation Commission (commission), except as provided by Section 11.148 (Emergency Suspension of Permit Conditions and Emergency Authority to Make Available Water Set Aside for Environmental Flows) to grant an emergency permit, order, or amendment to an existing permit, certified filing, or certificate of adjudication after notice to the governor for an initial period of not more than two years, rather than 120 days, if the commission finds that:

(1) and (2) Creates these subdivisions from existing text.

(a-1) Creates this subsection from existing text. Authorizes the commission to renew an emergency authorization granted under Subsection (a) for successive periods of not longer than one year each, rather than once for 60 days. Authorizes the commission to provide for automatic renewals of an authorization for periods of not longer than one year each.

SECTION 2. (a) Provides that, except as provided by Subsection (b) of this section, the application of this Act is prospective.

(b) Provides that, if on or after the effective date of this Act a person submits to the Texas Commission on Environmental Quality an application for the renewal of an emergency authorization that was granted by the commission before the effective date of this Act, the commission may renew the emergency authorization once for a period of not longer than one year.

SECTION 3. Effective date: upon passage or September 1, 2015.

### **SUMMARY OF COMMITTEE CHANGES**

Committee Amendment #1

Amends S.B. 521 (introduced version), as follows:

(1) Amends Section 11.139(a), Water Code (page 1, line 13), by striking "two years" [~~120 days~~] and substitute "270 days".

(2) Amends Section 11.139(a), Water Code (page 1, line 19), by striking "The commission may renew an [~~Such~~]" and substitute "Such".

(3) Amends Section 11.139(a), Water Code (page 1, lines 20-21), by striking "authorization granted under Subsection (a) [~~action may be renewed once~~]" and substitute "action maybe renewed once".

(4) Amends Section 11.139(a), Water Code (page 1, line 21), by striking "successive periods of".

(5) Amends Section 11.139(a), Water Code (page 1, lines 21-22), by striking "one year each [~~60 days~~]" and substitute "90 days".

(6) Amends Section 11.139(a), Water Code (page 1, lines 22-23), by striking "The commission may provide for automatic renewals of an authorization for periods of not longer than one year each."