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| BILL ANALYSIS |

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| C.S.H.B. 2109 |
| By: VanDeaver |
| Natural Resources |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE**  The bill author has informed the committee that a decades-long controversy in Northeast Texas has transpired regarding the possible construction of the Marvin Nichols Reservoir, which would cover over 60,000 acre-feet of private property, historical sites, cemeteries, schools, farms, timberland, businesses, and homes in Red River, Franklin, and Titus Counties and is designed to ship water from these counties about 100 miles to the west for use in the Dallas-Fort Worth metroplex. The bill author has also informed the committee that the reservoir was first proposed as a part of the state water plan in 1968 but that it has not yet been built, leaving residents in Northeast Texas in limbo for almost 60 years with no end in sight to the proposed taking of private property by a quasi-governmental entity. C.S.H.B. 2109 seeks to address this issue by providing for the certain removal of a site designated as a site of unique value for the construction of a reservoir in the state water plan. |
| **CRIMINAL JUSTICE IMPACT**  It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **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. 2109 amends the Water Code to require the Texas Water Development Board (TWDB) to remove a site designated as a site of unique value for the construction of a reservoir in the state water plan, regardless of the site's inclusion in a regional water plan, if construction of a reservoir at the site does not begin before the 50th anniversary of the site's initial inclusion in any version of the plan. The bill prohibits a site removed from the state water plan as such from being included in any subsequent version of the plan. The bill exempts from its provisions the site of a proposed reservoir for which a water right was issued by the Texas Commission on Environmental Quality on or before September 1, 2025. |
| **EFFECTIVE DATE**  September 1, 2025. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**  While C.S.H.B. 2109 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.  Whereas the introduced required the executive administrator of the TWDB to remove a proposed reservoir project from the state water plan if construction has not begun within 50 years of being included in any version of the plan by the TWDB or its preceding authority, the substitute requires the TWDB to remove a site designated as a site of unique value for the construction of a reservoir in the state water plan, regardless of the site's inclusion in a regional water plan, if construction of a reservoir at the site does not begin before the 50th anniversary of the site's initial inclusion in any version of the plan.  The substitute omits the provision from the introduced that made the introduced version's provisions applicable to a proposed reservoir project included in any version of the state water plan for the previous 50 years or more.  Whereas the introduced made a proposed project that has been removed by the executive administrator ineligible for inclusion in any future version of the plan, the substitute prohibits a site removed from the state water plan under its provisions from being included in any subsequent version of the plan.  The substitute includes a provision that was not in the introduced exempting from the substitute's provisions the site of a proposed reservoir for which a water right was issued by the Texas Commission on Environmental Quality on or before September 1, 2025. |
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