

BILL ANALYSIS

C.S.H.B. 3628
By: Villalobos
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Water Development Board (TWDB) is responsible for overseeing the development and implementation of the state water plan and state flood plan, which guide water resource management, infrastructure projects, and flood mitigation strategies across Texas. Currently, the TWDB, in coordination with various state agencies, establishes guidance principles and rules that shape these plans. However, state law generally requires state agencies to review their rules every four years. The bill author has informed the committee that, given that the state water plan and the state flood plan operate on five-year planning cycles, the existing four-year review requirement is misaligned with the process of updating these plans and that this misalignment could lead to unnecessary rule reviews that create inefficiencies and administrative burdens. C.S.H.B. 3628 seeks to address this issue by aligning the review and update process of guidance principles and rules relating to the plans with their established five-year planning cycles to streamline administrative processes, reduce unnecessary reviews, and enhance the effectiveness of long-term water and flood management strategies in Texas.

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. 3628 amends the Water Code to make the requirement to review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date under the Administrative Procedure Act inapplicable to a rule adopted by the Texas Water Development Board (TWDB) related to the following:

- the state water plan;
- regional water plans;
- the state flood plan; and
- regional flood plans.

C.S.H.B. 3628 requires the TWDB to review and update rules related to the following as necessary but at least every five years to coincide with the five-year cycle for adoption of a new state water plan:

- the state water plan, with input from the Texas Commission on Environmental Quality (TCEQ), the Department of Agriculture (TDA), and the Parks and Wildlife Department (TPWD); and
- regional water plans.

The bill requires the TWDB to review and revise rules related to the state flood plan, with input from the TCEQ, TDA, the General Land Office, TPWD, the Texas Division of Emergency Management, and the Texas State Soil and Water Conservation Board, as necessary and at least every fifth year to coincide with the five-year cycle for adoption of a new state flood plan. The bill requires the TWDB to review and update rules related to regional flood plans as necessary but at least every five years to coincide with the five-year cycle for adoption of a new state flood plan.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3628 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 TWDB to review and update rules related to regional flood plans as necessary but at least every five years to coincide with the five-year cycle for adoption of a new state water plan, the substitute requires the TWDB to do so to coincide with the five-year cycle for adoption of a new state flood plan.