

BILL ANALYSIS

C.S.H.B. 928
By: Guillen
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that in recent years many areas of Texas have experienced some level of drought. Drought planning and response involves multiple agencies and includes the requirement that wholesale and retail public water suppliers develop drought contingency plans to help address water shortages and drought. The interested parties contend, however, that there is a lack of communication between water suppliers and the Texas Commission on Environmental Quality regarding changes in a supplier's drought response and that this has an impact on the state's ability to evaluate how well water suppliers are managing reduced water supply conditions. C.S.H.B. 928 seeks to address these issues.

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 rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 928 amends the Water Code to authorize a wholesale or retail public water supplier or irrigation district to review and update the supplier's or district's drought contingency plan and submit to the Texas Commission on Environmental Quality (TCEQ) the reviewed or updated plan. The bill authorizes a wholesale or retail public water supplier or irrigation district to include in each reviewed or updated drought contingency plan submitted to TCEQ an evaluation of the effectiveness of strategies in the plan that were implemented by the supplier or district during any previous period of significant drought. The bill authorizes TCEQ by rule to define "significant drought" for this purpose. The bill requires a wholesale or retail public water supplier to notify TCEQ not later than the fifth business day after the date the supplier implements, changes the manner of implementing, or ceases to implement a mandatory provision of the supplier's drought contingency plan and requires TCEQ by rule to establish criteria for determining the actions that must be reported. The bill requires TCEQ to maintain on its website a list of wholesale and retail public water suppliers that are currently implementing a drought contingency plan that displays for each supplier the degree of drought severity in the county or counties in which the service area of the supplier is located, whether the service area of the supplier is in a county subject to a declaration of a state of disaster due to drought conditions, and the drought response stage the supplier is implementing. The bill requires TCEQ, as soon as practicable after the bill's effective date, to adopt rules as necessary to implement these provisions.

C.S.H.B. 928 requires the Texas Water Development Board (TWDB), in coordination with

TCEQ and the Water Conservation Advisory Council, to regularly review and update the water conservation best management practices guide developed by the water conservation implementation task force and include in the guide best management practices for drought response. The bill requires the TWDB to make the guide available on its website. The bill specifies that the new technologies the council is required to monitor for possible inclusion by the TWDB as best management practices in the guide are new water conservation technologies. The bill requires the council, in order to assist with drought preparedness and response, to monitor and recommend strategies for responding to drought, to monitor new drought response technologies for possible inclusion by the TWDB as best management practices in the guide, and to recommend methodologies for conducting drought contingency plan evaluations.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 928 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 10.010, Water Code, is amended to read as follows:

Sec. 10.010. POWERS AND DUTIES OF COUNCIL. (a) The council shall:

- (1) monitor trends in water conservation implementation;
- (2) monitor new water conservation technologies for possible inclusion by the board as best management practices in the best management practices guide described by Section 16.0552 [~~developed by the water conservation implementation task force under Chapter 109, Acts of the 78th Legislature, Regular Session, 2003~~];
- (3) monitor the effectiveness of the statewide water conservation public awareness program developed under Section 16.401 and associated local involvement in implementation of the program;
- (4) develop and implement a state water management resource library;
- (5) develop and implement a public recognition program for water conservation;
- (6) monitor the implementation of water conservation strategies by water users included in regional water plans; and
- (7) monitor target and goal guidelines for water conservation to be considered by the board and commission.

(b) To assist with drought preparedness and response, the council shall:

- (1) monitor and develop strategies for

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 10.010, Water Code, is amended to read as follows:

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- (2) monitor new water conservation technologies for possible inclusion by the board as best management practices in the best management practices guide described by Section 16.0552 [~~developed by the water conservation implementation task force under Chapter 109, Acts of the 78th Legislature, Regular Session, 2003~~];
- (3) monitor the effectiveness of the statewide water conservation public awareness program developed under Section 16.401 and associated local involvement in implementation of the program;
- (4) develop and implement a state water management resource library;
- (5) develop and implement a public recognition program for water conservation;
- (6) monitor the implementation of water conservation strategies by water users included in regional water plans; and
- (7) monitor target and goal guidelines for water conservation to be considered by the board and commission.

(b) To assist with drought preparedness and response, the council shall:

- (1) monitor and recommend strategies for

responding to drought;

(2) monitor new drought response technologies for possible inclusion by the board as best management practices in the best management practices guide described by Section 16.0552; and

(3) recommend methodologies for conducting drought contingency plan evaluations described by Section 11.1272(g).

SECTION 2. Section 11.1272, Water Code, is amended by adding Subsections (f), (g), (h), and (i) to read as follows:

(f) At least once every five years, a wholesale or retail public water supplier or irrigation district shall review and, as necessary, update the supplier or district's drought contingency plan and submit to the commission the reviewed or updated plan.

(g) A wholesale water supplier, a retail public water supplier that provides potable water service to 3,300 or more connections, or an irrigation district shall include in each reviewed or updated drought contingency plan submitted to the commission under Subsection (f) an evaluation of the effectiveness of strategies in the plan that were implemented by the supplier or district during any period of significant drought that occurred in the preceding five years. The commission by rule shall define "significant drought" for purposes of this subsection.

(h) A wholesale or retail public water supplier shall notify the commission not later than the fifth business day after the date the supplier implements, changes the manner of implementing, or ceases to implement a mandatory provision of the supplier's drought contingency plan. The commission by rule shall establish criteria for determining the actions that must be reported under this subsection.

(i) The commission shall maintain on its Internet website a list of wholesale and retail public water suppliers that are currently implementing a drought contingency plan that displays for each supplier:

(1) the degree of drought severity in the county or counties in which the service area of the supplier is located;

(2) whether the service area of the supplier is in a county subject to a declaration under Section 418.014 or 418.108, Government

responding to drought;

(2) monitor new drought response technologies for possible inclusion by the board as best management practices in the best management practices guide described by Section 16.0552; and

(3) recommend methodologies for conducting drought contingency plan evaluations described by Section 11.1272(g).

SECTION 2. Section 11.1272, Water Code, is amended by adding Subsections (f), (g), (h), and (i) to read as follows:

(f) A wholesale or retail public water supplier or irrigation district may review and update the supplier or district's drought contingency plan and submit to the commission the reviewed or updated plan.

(g) A wholesale or retail public water supplier or irrigation district may include in each reviewed or updated drought contingency plan submitted to the commission an evaluation of the effectiveness of strategies in the plan that were implemented by the supplier or district during any previous period of significant drought. The commission by rule may define "significant drought" for purposes of this subsection.

(h) A wholesale or retail public water supplier shall notify the commission not later than the fifth business day after the date the supplier implements, changes the manner of implementing, or ceases to implement a mandatory provision of the supplier's drought contingency plan. The commission by rule shall establish criteria for determining the actions that must be reported under this subsection.

(i) The commission shall maintain on its Internet website a list of wholesale and retail public water suppliers that are currently implementing a drought contingency plan that displays for each supplier:

(1) the degree of drought severity in the county or counties in which the service area of the supplier is located;

(2) whether the service area of the supplier is in a county subject to a declaration under Section 418.014 or 418.108, Government

Code, of a state of disaster due to drought conditions; and
(3) the drought response stage the supplier is implementing.

SECTION 3. Subchapter C, Chapter 16, Water Code, is amended.

SECTION 4. As soon as practicable after the effective date of this Act, the Texas Commission on Environmental Quality shall adopt rules as necessary to implement Section 11.1272, Water Code, as amended by this Act.

SECTION 5. This Act takes effect September 1, 2015.

Code, of a state of disaster due to drought conditions; and
(3) the drought response stage the supplier is implementing.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.