

## **BILL ANALYSIS**

Senate Research Center  
84R30373 JXC-D

C.S.H.B. 928  
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Agriculture, Water & Rural Affairs  
5/18/2015  
Committee Report (Substituted)

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

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. However, 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.

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.

C.S.H.B. 928 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.

C.S.H.B. 928 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 adds two members to the Water Conservation Advisory Council to represent investor-owned utilities.

C.S.H.B. 928 amends current law relating to state and local planning for and responses to drought.

[**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**

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 7 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 10.003, Water Code, as follows:

Sec. 10.003. CREATION AND MEMBERSHIP. (a) Provides that the Water Conservation Advisory Council (council) is composed of 25, rather than 23, members appointed by the Texas Water Development Board (TWDB). Requires TWDB to appoint:

- (1) one member to represent each of the entities or interest groups set forth in this subsection; and
- (2) two members to represent investor-owned utilities.

Makes nonsubstantive changes.

- (b) Makes nonsubstantive changes to this subsection.

SECTION 2. Amends Section 10.004(a), Water Code, to provide that members of the council serve staggered terms of six years, with eight or nine, rather than seven or eight, members' terms, as applicable, expiring August 31 of each odd-numbered year.

SECTION 3. Amends Section 10.010, Water Code, as follows:

Sec. 10.010. POWERS AND DUTIES OF COUNCIL. (a) Creates this subsection from existing text. Requires the Water Conservation Advisory Council (council) to:

- (1) monitor trends in water conservation implementation;
- (2) monitor new water conservation technologies for possible inclusion by the Texas Water Development Board (TWDB) as best management practices in the best management practices guide described by Section 16.0552;
- (3)-(7) Makes no change to these subdivisions.

Deletes existing text requiring the council to monitor new technologies for possible inclusion by TWDB as best management practices in the best management practices guide developed by the water conservation implementation task force under Chapter 109, Acts of the 78th Legislature, Regular Session, 2003.

(b) Requires the council, to assist with drought preparedness and response, to:

- (1) monitor and recommend strategies for responding to drought;
- (2) monitor new drought response technologies for possible inclusion by TWDB 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 4. Amends Section 11.1272, Water Code, by adding Subsections (f), (g), (h), and (i), as follows:

(f) Authorizes a wholesale or retail public water supplier or irrigation district to review and update the supplier or district's drought contingency plan and submit to the Texas Natural Resource Conservation Commission (TNRCC) the reviewed or updated plan.

(g) Authorizes a wholesale or retail public water supplier or irrigation district to include in each reviewed or updated drought contingency plan submitted to TNRCC 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. Authorizes TNRCC by rule to define "significant drought" for purposes of this subsection.

(h) Requires a wholesale or retail public water supplier to notify TNRCC 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. Requires TNRCC by rule to establish criteria for determining the actions that must be reported under this subsection.

(i) Requires TNRCC to 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 (Declaration of State of Disaster) or 418.108 (Declaration of Local Disaster), Government Code, of a state of disaster due to drought conditions; and

(3) the drought response stage the supplier is implementing.

SECTION 5. Amends Subchapter C, Chapter 16, Water Code by adding Section 16.0552, as follows:

Sec. 16.0552. BEST MANAGEMENT PRACTICES GUIDE. (a) Defines "best management practices."

(b) Requires TWDB, in coordination with TNRCC and the council, to:

(1) regularly review and update the water conservation best management practices guide developed by the water conservation implementation task force under Chapter 109 (S.B. 1094), Acts of the 78th Legislature, Regular Session, 2003; and

(2) include in the guide best management practices for drought response.

(c) Requires TWDB to make the guide available on its Internet website.

SECTION 6. Requires TWDB to appoint two additional members to the council as required by Section 10.003(a)(2), Water Code, as added by this Act, as soon as practicable after the effective date of this Act. Provides that the members appointed under this subsection serve terms expiring August 31, 2021.

SECTION 7. Requires the Texas Commission on Environmental Quality to adopt rules as necessary to implement Section 11.1272, Water Code, as amended by this Act as soon as practicable after the effective date of this Act.

SECTION 8. Effective date: September 1, 2015.