

## **BILL ANALYSIS**

H.B. 1964  
By: Ashby  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been suggested that, since the application process for a water right amendment may be costly and lengthy, applications for minor or technical water right amendments should be exempt from certain burdensome procedural requirements. H.B. 1964 seeks to address this issue by providing for an exemption from certain requirements for water right amendment applications that meet specified criteria.

### **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**

H.B. 1964 amends the Water Code to exempt an application for an amendment to a water right, in addition to an application that meets statutory requirements and for which the Texas Commission on Environmental Quality (TCEQ) has determined that notice or an opportunity for a contested case hearing is not required under another statute or a TCEQ rule, from any requirements of a statute or TCEQ rule regarding notice and hearing or technical review by TCEQ or its executive director and to prohibit the application from being referred to the State Office of Administrative Hearings for a contested case hearing if the executive director determines after an administrative review that the application is for an amendment that:

- adds a purpose of use that does not substantially alter the nature of the right from a right authorizing only nonconsumptive use to a right authorizing consumptive use or substantially alter a pattern of use that is explicitly authorized in or required by the original right;
- adds a place of use located in the same basin as the place of use authorized by the original right; or
- changes the point of diversion, provided that certain conditions are met regarding the authorized rate of diversion, the original point of diversion, and the new point of diversion.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.