

BILL ANALYSIS

Senate Research Center
77R7222 SMH-D

H.B. 2588
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

Current law directs that in times of drought water must be distributed on a pro rata basis. Many feel that if rationing water from a water supply becomes necessary, water suppliers should be allowed to take into account the degree to which customers have complied with applicable water conservation and drought contingency plans. H.B. 2588 requires water suppliers to distribute water on a pro rata basis or take into account the customer's compliance with applicable water conservation and drought contingency plans when addressing water shortages.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.039, Water Code, is amended to read as follows:

Sec. 11.039. (a) Requires, if a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed to be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) Requires the person, association of persons, or corporation owning or controlling the water, if a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, to divide the water to be distributed among all customers pro rata, according to certain guidelines.

(c) Makes a nonsubstantive change. Provides that nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.

SECTION 2. Effective date: upon passage or September 1, 2001.