BILL ANALYSIS

Senate Research Center

H.B. 2184
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

Currently, there are no stipulations which prevent the Texas Commission on Environmental Quality (TCEQ) from taking certain actions relating to a written contract for the provision of water. H.B. 2184 prohibits TCEQ from amending, interpreting, impairing, or modifying a water contract.

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 11.041, Water Code, by amending Subsection (a) and adding Subsection (h), as follows:

> (a) Includes in the list of required items in a petition any person entitled to receive or use water from certain sources is authorized to present to the Texas Commission on Environmental Quality (TCEQ), the statement that the petitioner has not entered into a contract with the party owning or controlling the water supply.

> (h) Prohibits TCEQ from amending, interpreting, impairing, or modifying a written contract for the provision of water for any purpose provided by this chapter or Chapter 12 (Provisions Generally Applicable to Water Rights) or 13 (Water Rates and Services).

SECTION 2. Amends Section 12.013, Water Code, by adding Subsection (i), to prohibit TCEQ from amending, interpreting, impairing, or modifying a written contract for the provision of water for any purpose provided by Chapter 11 (Water Rights), this chapter, or 13 (Water Rates and Services).

SECTION 3. Amends Section 13.041, Water Code, by adding Subsection (h) to prohibit TCEQ from amending, interpreting, impairing, or modifying a written contract for the provision of water for any purpose provided by Chapter 11 (Water Rights), or 12 (Provisions Generally Applicable to Water Rights), or this chapter.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2003.