

BILL ANALYSIS

C.S.H.B. 2293
By: Puente
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas law mandates that all waters subject to interbasin transfers would be junior in priority to all other waters within that originating basin. During times of water shortage, all obligations within the basin would be fulfilled before any waters could be transferred as provided for in an interbasin transfer permit. C.S.H.B. 2293 amends those sections of the Water Code as it applies to water contracts.

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

C.S.H.B. 2293 amends Section 11.085 (n), Water Code, by adding that a transfer of water based on a contractual sale of water is not subject to Subsection (s) or (t).

C.S.H.B. 2293 also specifies that the change in law made by this Act applies to a transfer of water based on a contractual sale of water regardless of the date on which the contract was executed.

EFFECTIVE DATE

Upon passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill made certain legislative findings and declarations of policy which have been deleted from the substitute. The original bill repealed Sections 11.085 (s) and (t), Water Code. The substitute instead amends 11.085 (n), Water Code, to state that water transfers based on a contractual sale of water will not be subject to Subsection (s) or (t).

The substitute also changes the applicability of the Act. The original applied only to an application for a water right or amendment to a permit, certified filing, or certificate of adjudication authorizing an interbasin transfer of water that is accepted for filing on or after the effective date of the Act. The original also stated that an application before the effective date of the Act is governed by the law in effect at the time the application is accepted for filing. The substitute specifies that the change in law made by this Act applies to a transfer of water based on a contractual sale of water regardless of the date on which the contract was executed.