

BILL ANALYSIS

Senate Research Center
78R8999 LJR-F

S.B. 1374
By: Armbrister
Natural Resources
4/17/2003
As Filed

DIGEST AND PURPOSE

The Texas Commission on Environmental Quality regulates the instream uses of Texas surface waterbodies, bays, and estuaries. As proposed, S.B. 1374 creates the Study Commission on Water Rights for Instream Uses in recognition of the importance that the ecological vitality of riverine, bay, and estuary systems and riparian lands has on the economy, health, and well-being of the state.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Study Commission on Water Rights for Instream Uses in SECTION 1 (Section 11.0235, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 11, Water Code, by adding Sections 11.0235 and 11.0236, as follows:

Sec. 11.0235. STUDY COMMISSION ON WATER RIGHTS FOR INSTREAM USES.

(a) Creates, in recognition of the importance that the ecological vitality of our riverine, bay, and estuary systems and riparian lands has on the economy, health, and well-being of the state, the Study Commission on Water Rights for Instream Uses (study commission).

(b) Provides that the study commission is composed of nine certain members.

(c) Requires the lieutenant governor and the speaker of the house each to appoint one individual who represents a river authority or municipal water supply agency or authority, one individual who represents an entity that is distinguished by its efforts in resource protection, and, respectively, one senator and one member of the house of representatives.

(d) Provides that each appointed member of the study commission serves at the will of the person who appointed the member.

(e) Provides that the appointed senator serves as chairman.

(f) Provides that a member of the study commission is not entitled to receive compensation for service on the study commission but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the study commission, as provided by the General Appropriations Act.

(g) Authorizes the study commission to accept gifts and grants from any source to be used to carry out a function of the study commission.

(h) Requires the study commission to conduct public hearings and study public policy implications for granting permits for instream uses of freshwater and any other issues that the commission determines have importance to the permitting of instream uses of water. Requires the study commission, in evaluating the permitting of water rights for instream uses, to take notice of the strong public

policy imperative that exists in this state recognizing that instream uses are important to the biological health of our parks, game preserves, and bays and estuary systems and are high priorities in the permitting process. Requires the study commission to specifically address ways that the ecological vitality of these systems will be ensured in the permitting process.

(i) Authorizes the study commission to perform certain acts.

(j) Requires the study commission, not later than December 1, 2004, to issue a report summarizing certain events and information.

(k) Requires the study commission to promptly deliver copies of the report to the lieutenant governor and the speaker of the house.

(l) Requires the study commission to adopt rules to administer this section.

(m) Provides that the study commission is abolished, and this section expires June 1, 2005.

Sec. 11.0236. TEMPORARY MORATORIUM ON GRANTING WATER RIGHTS FOR INSTREAM USES. (a) Prohibits the Texas Commission on Environmental Quality (TCEQ) from permitting water rights for instream uses until after August 31, 2005.

(b) Provides that instream uses include water rights for purposes listed in Sections 11.023(a)(6), (7), and (8), and Section 11.023(b), Water Code.

(c) Provides that this section expires September 1, 2005.

SECTION 2. Requires TCEQ to provide staff support for the study commission created by this Act.

SECTION 3. Requires any permit applications pending on the effective date of this Act to be suspended until the moratorium on permitting provided by Section 11.0236, Water Code, as added by this Act, expires.

SECTION 4. Effective date: upon passage or September 1, 2003.