

By: Armbrister

S.B. No. 1374

A BILL TO BE ENTITLED

AN ACT

relating to permitting of water rights for instream uses by the Texas Commission on Environmental Quality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 11, Water Code, is amended by adding Sections 11.0235 and 11.0236 to read as follows:

Sec. 11.0235. STUDY COMMISSION ON WATER RIGHTS FOR INSTREAM USES. (a) 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 there is created the Study Commission on Water Rights for Instream Uses.

(b) The study commission is composed of nine members appointed as follows:

(1) three members appointed by the lieutenant governor;

(2) three members appointed by the speaker of the house of representatives;

(3) the chairman of the Texas Commission on Environmental Quality or the chairman's designee;

(4) the chairman of the Texas Water Development Board or the chairman's designee; and

(5) the chairman of the Parks and Wildlife Department or the chairman's designee.

(c) The lieutenant governor and the speaker of the house

1 each shall appoint one individual who represents a river authority  
2 or municipal water supply agency or authority, one individual who  
3 represents an entity that is distinguished by its efforts in  
4 resource protection, and, respectively, one senator and one member  
5 of the house of representatives.

6 (d) Each appointed member of the study commission serves at  
7 the will of the person who appointed the member.

8 (e) The appointed senator serves as chairman.

9 (f) A member of the study commission is not entitled to  
10 receive compensation for service on the study commission but is  
11 entitled to reimbursement of the travel expenses incurred by the  
12 member while conducting the business of the study commission, as  
13 provided by the General Appropriations Act.

14 (g) The study commission may accept gifts and grants from  
15 any source to be used to carry out a function of the study  
16 commission.

17 (h) The study commission shall conduct public hearings and  
18 study public policy implications for granting permits for instream  
19 uses of freshwater and any other issues that the commission  
20 determines have importance to the permitting of instream uses of  
21 water. In evaluating the permitting of water rights for instream  
22 uses, the study commission shall take notice of the strong public  
23 policy imperative that exists in this state recognizing that  
24 instream uses are important to the biological health of our parks,  
25 game preserves, and bays and estuary systems and are high  
26 priorities in the permitting process. The study commission shall  
27 specifically address ways that the ecological vitality of these

1 systems will be ensured in the permitting process.

2 (i) The study commission may:

3 (1) appoint an advisory committee to assist the study  
4 commission in studying a specific permitting issue; and

5 (2) draft proposed legislation to modify existing  
6 water-rights permitting statutes.

7 (j) Not later than December 1, 2004, the study commission  
8 shall issue a report summarizing:

9 (1) any hearings conducted by the study commission;

10 (2) any studies conducted by the study commission;

11 (3) any legislation proposed by the study commission;

12 and

13 (4) any other findings and recommendations of the  
14 study commission.

15 (k) The study commission shall promptly deliver copies of  
16 the report to the lieutenant governor and the speaker of the house.

17 (l) The study commission shall adopt rules to administer  
18 this section.

19 (m) The study commission is abolished and this section  
20 expires June 1, 2005.

21 Sec. 11.0236. TEMPORARY MORATORIUM ON GRANTING WATER RIGHTS  
22 FOR INSTREAM USES. (a) The Texas Commission on Environmental  
23 Quality may not permit water rights for instream uses until after  
24 August 31, 2005.

25 (b) Instream uses include water rights for purposes listed  
26 in Sections 11.023(a)(6), (7), and (8), and Section 11.023(b),  
27 Water Code.

1           (c) This section expires September 1, 2005.

2           SECTION 2. The Texas Commission on Environmental Quality  
3 shall provide staff support for the Study Commission on Water  
4 Rights for Instream Uses created by this Act.

5           SECTION 3. Any permit applications pending on the effective  
6 date of this Act shall be suspended until the moratorium on  
7 permitting provided by Section 11.0236, Water Code, as added by  
8 this Act, expires.

9           SECTION 4. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2003.