

BILL ANALYSIS

H.B. 1518
By: Callegari
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 1997 the Texas Legislature passed Senate Bill 1, an omnibus water bill intended to promote and protect the state's water supplies for future use. One of the key provisions of S.B. 1 was that establishing junior water rights. Designed to discourage inter-basin water transfers, the junior water rights provision of S.B. 1 makes water transfers from one river basin to another secondary in priority to water rights already granted for the basin of origin. For example, water rights claims from within the Trinity River basin would be *junior to* those existing in the San Jacinto River basin.

As written, H.B. 1518 exempts the Region H water planning group from the junior rights requirement established by S.B. 1. This exemption would grant planners greater flexibility in transferring water between the three major water basins located within Region H, which include the Brazos, San Jacinto, and Trinity rivers. Unlike the other 15 regional planning groups in Texas, Region H is the only one that has three major river basins within its boundaries.

Region H consists of 15 Texas counties, including Harris, Galveston, Fort Bend, Waller and Montgomery counties. Region H also has five major water suppliers, including the City of Houston, San Jacinto River Authority, Brazos River Authority, Trinity River Authority, and Gulf Coast Water Authority. Of these suppliers only one, the Trinity River Authority, does not face projected water supply shortages by the year 2050.

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

SECTION 1. Amends §11.085, Water Code, to exempt from the junior rights provisions, a regional water planning area that contains groundwater users who are subject to regulatory requirements due to land subsidence, contains a county with a population of 3.3 million or more, and contains all or part of at least three river basins.

SECTION 2. Implementation language specifying that the changes made by the Act apply to inter-basin transfer applications submitted to the Texas Commission on Environmental Quality after the effective date and those pending before the agency on the effective date.

SECTION 3. Effective date upon passage with two-thirds vote from each house, or 1 September 2005.

EFFECTIVE DATE

Upon passage with two-thirds vote from each house, or 1 September 2005.