

BILL ANALYSIS

H.B. 2108
By: Hopson
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Angelina and Neches River Authority obtained funding from the Texas Water Development Board (TWDB) for the Lake Columbia Regional Water Supply Reservoir Project. The authority and TWDB entered into a master agreement setting forth terms pursuant to which TWDB would acquire an ownership interest in the project.

The deadlines for the water rights permit have been extended before. The permit was originally issued in June 26, 1985, and S.B. 1600, 77th Legislature, Regular Session, 2001, extended the deadline for commencement of construction of the dam to September 1, 2011, with a completion date of September 1, 2017.

Current law requires that construction of facilities authorized by permit for appropriation by direct diversion must commence within a time specified by the Texas Commission on Environmental Quality (TCEQ), not to exceed two years from the date of permit issuance. TCEQ may extend the time to commence construction by order, and may charge a fee not to exceed \$1,000 for doing so, but this involves an administrative process.

H.B. 2108 provides a legislative finding that the proposed Lake Columbia project is of benefit to rural communities and is therefore in the public interest and that TWDB holds an interest in both the project and the water rights for that project. The bill strikes certain deadlines for commencement and completion of the project which are specified in the water rights permit. The bill authorizes TCEQ to issue the amended permit without notice or hearing.

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

H.B. 2108 sets forth a legislative finding that the proposed Lake Columbia project is a rural water project for political subdivisions and that its construction and development are in the public interest. The bill provides that the legislature further finds that the Texas Water Development Board has obtained a right and interest in the permit and that the deadlines provided by the permit for commencement and completion of construction of the project should be stricken from the permit. The bill requires the Texas Commission on Environmental Quality to issue without notice or hearing an amendment to the permit striking from the permit the deadlines provided by the permit for commencement and completion of construction of the project in accordance with the bill.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.