

BILL ANALYSIS

H.B. 4231
By: Ritter
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Some areas of the state—facing tremendous growth in the coming years—will have a big need for new water supplies. One of the potential sources for that new water could be neighboring states with surpluses that are looking to sell water elsewhere.

Current Texas law is silent as to whether a water district can utilize the beds and banks of a state water course to move water that is from a source outside the state. Because the out-of-state water is currently not part of a Texas river basin, the movement would not have any affect on the current flows or water rights holders in any basin.

H.B. 4231 will authorize the issuance of a bed and banks permit to move water from a source wholly outside the state to a place of storage or diversion in Texas. Since the new out-of-state water and its movement does not affect the current situation in any basin, the movement from one basin or another of this new water should be exempt from all of the requirements of an interbasin transfer. This bill would exempt these transfers from the requirements of the Water Code afforded interbasin transfers.

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 Section 11.042(a), Water Code, as follows:

Subsection (a). Provides that water imported from a source located wholly outside the boundaries of this state may use the bank and bed of any flowing natural stream in the state to convey the water from the place of storage to the place of use or to the diversion point of the appropriator.

SECTION 2. Amends Section 11.085(v), Water Code, as follows:

Subsection (v). Adds that a proposed transfer of water that is imported from a source located wholly outside the boundaries of this state; for use in this state; and transported by using the bed and banks of any navigable stream located in this state, to the list of actions exempt from the provisions of this section, except subsection (a).

SECTION 3. Provides the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.