

1-1 By: Ritter, et al. (Senate Sponsor - Eltife) H.B. No. 4231
1-2 (In the Senate - Received from the House April 30, 2009;
1-3 May 4, 2009, read first time and referred to Committee on Natural
1-4 Resources; May 7, 2009, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 7, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the conveyancing or transfer in this state of water
1-9 imported into this state from a source located outside this state.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 11.0237(b), Water Code, is amended to
1-12 read as follows:

1-13 (b) This section does not alter the commission's
1-14 obligations under Section 11.042(a-1), (b), [11.042(b)] or (c),
1-15 11.046(b), 11.085(k)(2)(F), 11.134(b)(3)(D), 11.147, 11.1471,
1-16 11.1491, 11.150, 11.152, 16.058, or 16.059.

1-17 SECTION 2. Section 11.042, Water Code, is amended by adding
1-18 Subsection (a-1) to read as follows:

1-19 (a-1) With prior authorization granted under rules
1-20 prescribed by the commission, a person, association of persons,
1-21 corporation, water control and improvement district, water
1-22 improvement district, or irrigation district supplying water
1-23 imported from a source located wholly outside the boundaries of
1-24 this state, except water imported from a source located in the
1-25 United Mexican States, may use the bed and banks of any flowing
1-26 natural stream in the state to convey water for use in this state.
1-27 The authorization must:

1-28 (1) allow for the diversion of only the amount of water
1-29 put into a watercourse or stream, less carriage losses; and

1-30 (2) include special conditions adequate to prevent a
1-31 significant impact to the quality of water in this state.

1-32 SECTION 3. Section 11.085(v), Water Code, is amended to
1-33 read as follows:

1-34 (v) The provisions of this section, except Subsection (a),
1-35 do not apply to:

1-36 (1) a proposed transfer which in combination with any
1-37 existing transfers totals less than 3,000 acre-feet of water per
1-38 annum from the same permit, certified filing, or certificate of
1-39 adjudication;

1-40 (2) a request for an emergency transfer of water;

1-41 (3) a proposed transfer from a basin to its adjoining
1-42 coastal basin; ~~or~~

1-43 (4) a proposed transfer from a basin to a county or
1-44 municipality or the municipality's retail service area that is
1-45 partially within the basin for use in that part of the county or
1-46 municipality and the municipality's retail service area not within
1-47 the basin; or

1-48 (5) a proposed transfer of water that is:

1-49 (A) imported from a source located wholly outside
1-50 the boundaries of this state, except water that is imported from a
1-51 source located in the United Mexican States;

1-52 (B) for use in this state; and

1-53 (C) transported by using the bed and banks of any
1-54 flowing natural stream located in this state.

1-55 SECTION 4. This Act takes effect immediately if it receives
1-56 a vote of two-thirds of all the members elected to each house, as
1-57 provided by Section 39, Article III, Texas Constitution. If this
1-58 Act does not receive the vote necessary for immediate effect, this
1-59 Act takes effect September 1, 2009.

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