

## **BILL ANALYSIS**

S.B. 1430  
By: Perry  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties suggest that seawater desalination could help ensure a future reliable water supply for the state. S.B. 1430 seeks to encourage the development and use of desalinated seawater by providing for expedited consideration of certain water right amendment applications.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

S.B. 1430 amends the Water Code to establish that a holder of a water right that begins using desalinated seawater after acquiring the water right has a right to expedited consideration of an application for an amendment to the water right if the amendment authorizes the applicant to divert water from a diversion point that is different from or in addition to the point or points from which the applicant was authorized to divert water before the requested amendment, authorizes the applicant to divert from the different or additional diversion point an amount of water that is equal to or less than the amount of desalinated seawater used by the applicant, authorizes the applicant to divert from all of the diversion points authorized by the water right an amount of water that is equal to or less than the amount of water the applicant was authorized to divert under the water right before the requested amendment, authorizes the applicant to divert water from all of the diversion points authorized by the water right at a combined rate that is equal to or less than the combined rate at which the applicant was authorized to divert water under the water right before the requested amendment, and does not authorize the water diverted from the different or additional diversion point to be transferred to another river basin. The bill requires the executive director of the Texas Commission on Environmental Quality (TCEQ) or TCEQ to prioritize the technical review of such an application over the technical review of applications that are not subject to these bill provisions.

S.B. 1430 amends the Government Code to require an administrative law judge, under provisions relating to hearings for TCEQ conducted by the State Office of Administrative Hearings (SOAH) and with regard to a matter pertaining to an application for an amendment to a water right for which the water right holder has a right to expedited consideration provided by the bill, to complete a proceeding and provide a proposal for decision to TCEQ not later than the 270th day after the date the matter was referred to SOAH. The bill authorizes the deadline to be extended by agreement of the parties with the approval of the administrative law judge or by the administrative law judge if the judge determines that failure to extend the deadline would unduly

deprive a party of due process or another constitutional right.

**EFFECTIVE DATE**

September 1, 2017.