

BILL ANALYSIS

Senate Research Center
79R1314 RMB-F

H.B. 1225
By: Puente (Duncan)
Natural Resources
5/7/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Texas Commission on Environmental Quality (TCEQ) is the agency designated to administer the permitting of state surface water rights. TCEQ is authorized in Section 11.172, Water Code, to cancel a state surface water right if it has not been put to beneficial use for a period of 10 years.

The 78th Legislature, Regular Session, 2003, created the Water Conservation Implementation Task Force. The Task Force was directed to review, evaluate, and recommend optimum levels of water-use efficiency and conservation for Texas. The Task Force completed its charges and submitted a report to the 79th Legislature on November 1, 2004. One of their recommendations was to give TCEQ authority to exempt a state water right from cancellation for non-use if the non-use was the result of water conservation measures. Allowing TCEQ to exempt a state water right from cancellation for non-use encourages conservation of water.

H.B. 1225 authorizes TCEQ to exempt a state water right from cancellation for non-use if the non-use resulted from a water conservation measure that was part of a water conservation plan submitted by the water right holder.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.173(b), Water Code, to provide that a permit, certified filing, or certificate of adjudication or a portion of a permit, certified filing, or certificate of adjudication is exempt from cancellation under Subsection (a) to the extent the nonuse resulted from the implementation of water conservation measures under a water conservation plan submitted by the holder of the permit, certified filing, or certificate adjudication as evidenced by implementation reports submitted by the holder.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2005.