

BILL ANALYSIS

Senate Research Center
78R4621 QS-F

S.B. 1843
By: Staples
Natural Resources
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As Filed

DIGEST AND PURPOSE

Current law lacks clarifying language concerning the ability of the Texas Commission on Environmental Quality to issue permits for application for instream flow permits. As proposed, S.B. 1843 amends the Water Code to prohibit state water from being appropriated or diverted simply for the preservation of flows and requires the Texas Commission on Environmental Quality to return any application and related application fees, if the application does not propose to beneficially use state water.

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. Sets forth legislative findings and legislative purpose.

SECTION 2. Amends Section 11.023, Water Code, by amending Subsections (a) and (b) and adding Subsection (g), as follows:

- (a) Authorizes state water to be appropriated for storage, or diversion for certain uses. Makes nonsubstantive changes.
- (b) Makes conforming changes.
- (g) Prohibits state water from being appropriated for diversion to sustain flows at or below the diversion point in a manner that could be achieved by the imposition of permit conditions.

SECTION 3. Amends Section 11.131, Water Code, by amending Subsection (b) and adding Subsection (c), as follows:

- (b) Authorizes the Texas Commission on Environmental Quality (TCEQ), if it denies an application under Subsection (a), rather than under this section, to order any part of the fee submitted with the application returned to the applicant. Makes nonsubstantive changes.
- (c) Requires TCEQ to deny an application and return all fees if the application does not propose to beneficially use state water by the storage, taking, or diversion of the water.

SECTION 4. (a) Effective date: upon passage or September 1, 2003.

- (b) Provides that the change in law made by this Act applies to an application for a permit to use state water that is filed by TCEQ on or after the effective date of this Act or that is pending with TCEQ on the effective date of this Act.