

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1593
By: Brown
Natural Resources
4/15/1999
Committee Report (Substituted)

DIGEST

Currently, Texas does not provide for a water supply reservoir project at a site known as the Allens Creek Reservoir site in Austin County, Texas. C.S.S.B. 1593 would create a water supply reservoir project at a site known as the Allens Creek Reservoir site in Austin County, Texas and provide for the issuance of certain water rights permits to the Texas Water Development Board.

PURPOSE

As proposed, .C.S.S.B. 1593 creates a water supply reservoir project at a site known as the Allens Creek Reservoir site in Austin County, Texas and provides for the issuance of certain water rights permits to the Texas Water Development Board.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

ARTICLE 1.

SECTION 1.01 Sets forth site requirements for a dam and reservoir to be constructed at the confluence of Allens Creek and the Brazos River. Sets forth the findings of the legislature.

SECTION 1.02. Sets forth requirements for the Texas water Development Board (board) to construct a dam and reservoir on Allen Creek and the issuance of permits.

SECTION 1.03. Authorizes the board to acquire the entire or any undivided interest in the Allens Creek site, provided that the total amount of money invested by the board in the site shall not exceed \$20,000,000 with \$1,800,000 of such investment to be for reimbursement to the Brazos River Authority for costs incurred to obtain and hold its it option to acquire such site, using the state participation account of the Texas Water Development Fund II to encourage regional development of the Allens Creek Reservoir project.

SECTION 1.04. Authorizes the board to issue certain bonds. Sets forth certain legislative findings.

SECTION 1.05. Requires any contract providing for state participation in the Allens Creek site or the construction of a reservoir at such site to provide for the purchase of the board's interest in the facility pursuant to the provisions of Section 16.186(b), Water Code. Authorizes the board to contract for such a sale with a municipality, a river authority, a political subdivision, or a water supply corporation organized under Chapter 67 of the Water Code.

ARTICLE 2.

SECTION 2.01. Amends Chapter 11, Water Code, by adding Section 11.1311, as follows:

Sec. 11.1311. APPROVAL OF CERTAIN APPLICATIONS WITHOUT HEARING. Authorizes the Texas Natural Resource Conservation Commission to reissue the same permit with a new priority date to the board without notice or hearing, upon submission of an application by the board, if a permit for a reservoir project which is listed on the effective date of this Act as a recommended project in the current state water plan has been abandoned, voluntarily canceled, or

forfeited for failure to commence construction within the time specified by law. Authorizes the board to transfer interest in a permit issued under this section to certain entities. Requires a permit issued pursuant to this section to be administered in accordance with this chapter and as otherwise provided by law.

ARTICLE 3.

SECTION 3.01. Provides that nothing in this Act shall be construed as prohibiting or impairing any lawful use, sale, or other curtailment or diminution of waters that contribute to the flows of the Brazos River at the proposed point of diversion for the Allens Creek Reservoir project, including certain actions, whether due to use or sale of such groundwater or any other reason.

SECTION 3.02. Effective date: September 1, 1999.

SECTION 3.03. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.01.

Amends the SECTION to set forth additional requirements for a dam and reservoir to be constructed at the confluence of Allens Creek and the Brazos River, and sets forth the findings of the legislature..

SECTION 1.02.

Amends the SECTION to set forth requirements for the Texas Water Development Board to construct a dam and reservoir on Allen Creek and the issuance of permits.

SECTION 1.03

Deletes text regarding easement to acquire a site.

SECTION 1.04.

Amends the SECTION to set forth certain legislative findings.

SECTION 2.01.

Amends Section 2.01, Water Code, regarding a permit for a project which is listed on the effective date of this Act. Requires a permit issued pursuant to this section to be administered in accordance with this chapter and as otherwise provided by law.