

BILL ANALYSIS

Senate Research Center
85R6252 GRM-F

S.B. 774
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Agriculture, Water & Rural Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note the need for the term of a groundwater export permit to coincide with the term of the operating permit under which the exported water is produced. S.B. 774 addresses this issue by providing for an extension of the term of an export permit to align with its associated production permit.

As proposed, S.B. 774 amends current law relating to extensions of an expired permit for the transfer of groundwater from a groundwater conservation district.

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 36.122, Water Code, by adding Subsections (j-1) and (j-2) and amending Subsection (k), as follows:

(j-1) Requires that a term under Subsection (i) (relating to a certain period for which the water is authorized to be transferred) or (j) (relating to requiring that a certain term be automatically extended to certain terms under certain circumstances) automatically be extended on or before its expiration:

(1) to a term that is not shorter than the term of an operating permit for the production of water to be transferred that is in effect at the time of the extension; and

(2) for each additional term for which that operating permit for production is renewed under Section 36.1145 (Operating Permit Renewal) or remains in effect under Section 36.1146 (Change in Operating Permits).

(j-2) Provides that a permit automatically extended continues to be subject to conditions contained in the permit as issued before the automatic extension.

(k) Authorizes a groundwater conservation district, notwithstanding the period specified under Subsection (i), (j), or (j-1), rather than notwithstanding the period specified in Subsections (i) and (j), during which water is authorized to be transferred under a permit, to periodically review the amount of water that is authorized to be transferred under the permit and to limit the amount if additional factors considered in Subsection (f) (relating to requiring the district to consider certain matters in reviewing a proposed transfer of groundwater out of the district) warrant the limitation, subject to Subsection (c) (relating to prohibiting the district from imposing more restrictive permit conditions on transporters than the district imposes on existing in-district users).

SECTION 2. Provides that the changes in law made by this Act apply only to the term of a permit issued under Sections 36.122(i) and (j), Water Code, that expires after September 1, 2017.

SECTION 3. Effective date: September 1, 2017.