

By: Seliger

S.B. No. 756

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a prohibition on the transport of surface water or  
3 groundwater more than a specified distance from the water's source;  
4 providing an administrative penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 5.013(a), Water Code, is amended to read  
7 as follows:

8 (a) The commission has general jurisdiction over:

9 (1) water and water rights including the issuance of  
10 water rights permits, water rights adjudication, cancellation of  
11 water rights, ~~and~~ enforcement of water rights, and the transport  
12 of surface water or groundwater;

13 (2) continuing supervision over districts created  
14 under Article III, Sections 52(b)(1) and (2), and Article XVI,  
15 Section 59, of the Texas Constitution;

16 (3) the state's water quality program including  
17 issuance of permits, enforcement of water quality rules, standards,  
18 orders, and permits, and water quality planning;

19 (4) the determination of the feasibility of certain  
20 federal projects;

21 (5) the adoption and enforcement of rules and  
22 performance of other acts relating to the safe construction,  
23 maintenance, and removal of dams;

24 (6) conduct of the state's hazardous spill prevention

1 and control program;

2 (7) the administration of the state's program relating  
3 to inactive hazardous substance, pollutant, and contaminant  
4 disposal facilities;

5 (8) the administration of a portion of the state's  
6 injection well program;

7 (9) the administration of the state's programs  
8 involving underground water and water wells and drilled and mined  
9 shafts;

10 (10) the state's responsibilities relating to regional  
11 waste disposal;

12 (11) the responsibilities assigned to the commission  
13 by Chapters 361, 363, 382, and 401, Health and Safety Code;

14 (12) administration of the state's water rate program  
15 under Chapter 13 of this code; and

16 (13) any other areas assigned to the commission by  
17 this code and other laws of this state.

18 SECTION 2. Section 7.051(b), Water Code, is amended to read  
19 as follows:

20 (b) Except as provided by this subsection, this ~~[This]~~  
21 subchapter does not apply to violations of chapter 11, 12, 13, 16,  
22 or 36 of this code, or Chapter 341, Health and Safety Code. This  
23 subchapter applies to a violation of Section 12.018 of this code.

24 SECTION 3. Subchapter B, Chapter 12, Water Code, is amended  
25 by adding Section 12.018 to read as follows:

26 Sec. 12.018. TRANSPORT OF SURFACE WATER OR GROUNDWATER.

27 (a) A person may not transport surface water or groundwater more

1 than 75 miles from the water's source.

2 (b) The commission may assess an administrative penalty as  
3 provided by Section 7.051 against a person who violates this  
4 section.

5 SECTION 4. (a) The changes in law made by this Act apply  
6 only to a violation that occurs on or after the effective date of  
7 this Act. For purposes of this section, a violation occurs before  
8 the effective date of this Act if any element of the violation  
9 occurs before that date.

10 (b) A violation that occurs before the effective date of  
11 this Act is governed by the law in effect on the date of the  
12 violation, and the former law is continued in effect for that  
13 purpose.

14 SECTION 5. This Act takes effect September 1, 2011.