

BILL ANALYSIS

Senate Research Center

H.B. 2615
By: Johnson (Fraser)
Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Commission on Environmental Quality (TCEQ) has general jurisdiction over water and water rights, including the issuance of water rights permits and enforcement of water rights. Under current law, a water rights holder is required to submit an annual water use report to TCEQ. Interested parties note, however, that a review of water use data revealed that only about 60 percent of water rights holders outside of watermaster areas report their annual water use by such deadline each year. The parties contend that because this information is used for various purposes in the administration of water rights, including responses to priority calls during a drought, having more complete data is essential to the effective administration of water rights by TCEQ.

H.B. 2615 amends current law relating to reporting and information availability requirements for persons impounding, diverting, or otherwise using state water, and provides a penalty.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

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 Sections 11.031(b) and (d), Water Code, as follows:

(b) Provides that a person who fails to file an annual report with the Texas Natural Resource Conservation Commission (TNRCC) as required by Subsection (a) (relating to requiring each person who has a water right issued by TNRCC or who impounded, diverted, or otherwise used state water during the preceding calendar year to submit a written report to TNRCC on a form prescribed by TNRCC) or fails to timely comply with a request by TNRCC to make information available under Subsection (d) is liable for a penalty in an amount not to exceed \$1,000 per day for each day the person fails to file the statement or comply with the request after the application deadline. Provides that, however, the maximum penalty under this section is \$15,000, rather than \$150. Authorizes the state to sue to recover a penalty. Deletes existing text providing that a person who fails to file an annual report with TNRCC as required by this section is liable to a penalty of \$25, plus \$1 per day for each day he fails to file the statement after March 1.

(d) Requires that each person who has a water right issued by TNRCC or who impounds, diverts, or otherwise uses state water maintain water use information required under Subsection (a) on a monthly basis during the months a water rights holder uses permitted water. Requires the person to make the information available to TNRCC on TNRCC's request. Requires the executive director to establish a reasonable deadline by which a person is required to make available information requested by TNRCC under this subsection.

SECTION 2. Provides that Section 11.031, Water Code, as amended by this Act, applies only to a report due or a request for information made on or after the effective date of this Act. Provides that a report due or request made before that date is governed by the law in effect on the date the report is due or the request is made, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2013.