

BILL ANALYSIS

H.B. 2615
By: Johnson
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 right 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 right 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 seeks to address this issue.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Sections 11.031(b) and (d), Water Code, to read as follows:

(b) Provides that a person who fails to file an annual report with the commission as required by Subsection (a) or fails to timely comply with a request by the commission to make information available under Subsection (d) is liable for a penalty in an amount not to exceed \$5,000 per day for each day the person fails to file the statement or comply with the request after the applicable deadline, rather than is liable to a penalty of \$25, plus \$1 per day for each day he fails to file the statement after March 1. Provides that the state may sue to recover the penalty. Strikes a provision stating that the maximum penalty under this section is \$150.

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

Makes nonsubstantive changes.

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. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2013.