

BILL ANALYSIS

Senate Research Center
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S.B. 1209
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Natural Resources
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As Filed

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.

The Water Code provides that each water right holder is required to submit an annual water use report to TCEQ. Under current law, the penalty for failing to file an annual report with TCEQ is \$25, plus \$1 per day for each day after the due date of March 1, to a maximum of \$150.

A review of water use data revealed that only about 60 percent of water right holders outside of watermaster areas reported their annual water use as required by Section 11.031 (Annual Report), Water Code, by March 1 of each year. 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.

As proposed, S.B. 1209 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 the 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) 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 \$5,000 per day for each day the person fails to file the statement or comply with the request after the applicable deadline. 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, providing, however, that the maximum penalty under this section is \$150.

(d) Requires the executive director of TNRCC to establish a reasonable deadline by which a person must make available information requested by TNRCC under this subsection.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.