

By: Johnson

H.B. No. 2615

A BILL TO BE ENTITLED

AN ACT

relating to reporting and information availability requirements
for persons impounding, diverting, or otherwise using state water;
providing a penalty.

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

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

(b) 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) [~~this section~~] is liable for ~~to~~ a penalty in
an amount not to exceed \$5,000 ~~[of \$25, plus \$1]~~ per day for each day
the person fails to file the statement or comply with the request
after the applicable deadline ~~[he fails to file the statement after~~
~~March 1. However, the maximum penalty under this section is \$150].~~
The state may sue to recover the penalty.

(d) 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. The person shall make the information available
to the commission on the commission's request. The executive
director shall establish a reasonable deadline by which a person
must make available information requested by the commission under

1 this subsection.

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

8 SECTION 3. This Act takes effect September 1, 2013.