

1-1 By: Johnson (Senate Sponsor - Fraser) H.B. No. 2615
 1-2 (In the Senate - Received from the House May 6, 2013;
 1-3 May 7, 2013, read first time and referred to Committee on Natural
 1-4 Resources; May 16, 2013, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;
 1-6 May 16, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 2615 By: Fraser

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the use of state water; providing a penalty.
 1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Section 11.031, Water Code, is amended by
 1-26 amending Subsections (b) and (d) and adding Subsections (b-1) and
 1-27 (g) to read as follows:
 1-28 (b) A person who fails to file an annual report with the
 1-29 commission as required by Subsection (a) or fails to timely comply
 1-30 with a request by the commission to make information available
 1-31 under Subsection (d) ~~[this section]~~ is liable for ~~[to]~~ a penalty ~~[of~~
 1-32 ~~\$25, plus \$1 per day]~~ for each day the person fails to file the
 1-33 statement or comply with the request after the applicable deadline
 1-34 in an amount not to exceed:
 1-35 (1) \$100 per day if the person is the holder of a water
 1-36 right authorizing the appropriation of 5,000 acre-feet or less per
 1-37 year; or
 1-38 (2) \$500 per day if the person is the holder of a water
 1-39 right authorizing the appropriation of more than 5,000 acre-feet
 1-40 per year ~~[he fails to file the statement after March 1. However,~~
 1-41 ~~the maximum penalty under this section is \$150].~~
 1-42 (b-1) The state may sue to recover a ~~[the]~~ penalty under
 1-43 Subsection (b).
 1-44 (d) Each person who has a water right issued by the
 1-45 commission or who impounds, diverts, or otherwise uses state water
 1-46 shall maintain water use information required under Subsection (a)
 1-47 on a monthly basis during the months a water rights holder uses
 1-48 permitted water. The person shall make the information available
 1-49 to the commission on the commission's request. The executive
 1-50 director shall establish a reasonable deadline by which a person
 1-51 must make available information requested by the commission under
 1-52 this subsection.
 1-53 (g) The commission shall establish a process by which a
 1-54 report required under Subsection (a) may be submitted
 1-55 electronically through the Internet.
 1-56 SECTION 2. Section 11.173(b), Water Code, is amended to
 1-57 read as follows:
 1-58 (b) A permit, certified filing, or certificate of
 1-59 adjudication or a portion of a permit, certified filing, or
 1-60 certificate of adjudication is exempt from cancellation under

2-1 Subsection (a):
2-2 (1) to the extent of the owner's participation in the
2-3 Conservation Reserve Program authorized by the Food Security Act,
2-4 Pub.L. No. 99-198, Secs. 1231-1236, 99 Stat. 1354, 1509-1514
2-5 (1985) or a similar governmental program;
2-6 (2) if a significant portion of the water authorized
2-7 to be used pursuant to a permit, certified filing, or certificate of
2-8 adjudication has been used in accordance with a specific
2-9 recommendation for meeting a water need included in the regional
2-10 water plan approved pursuant to Section 16.053;
2-11 (3) if the permit, certified filing, or certificate of
2-12 adjudication:
2-13 (A) was obtained to meet demonstrated long-term
2-14 public water supply or electric generation needs as evidenced by a
2-15 water management plan developed by the holder; and
2-16 (B) is consistent with projections of future
2-17 water needs contained in the state water plan;
2-18 (4) if the permit, certified filing, or certificate of
2-19 adjudication was obtained as the result of the construction of a
2-20 reservoir funded, in whole or in part, by the holder of the permit,
2-21 certified filing, or certificate of adjudication as part of the
2-22 holder's long-term water planning; or
2-23 (5) to the extent the nonuse resulted from:
2-24 (A) the implementation of water conservation
2-25 measures under a water conservation plan submitted by the holder of
2-26 the permit, certified filing, or certificate of adjudication as
2-27 evidenced by implementation reports submitted by the holder;
2-28 (B) a suspension, adjustment, or other
2-29 restriction on the use of the water authorized to be appropriated
2-30 under the permit, certified filing, or certificate of adjudication
2-31 imposed under an order issued by the executive director; or
2-32 (C) an inability to appropriate the water
2-33 authorized to be appropriated under the permit, certified filing,
2-34 or certificate of adjudication due to drought conditions.
2-35 SECTION 3. Section 11.031, Water Code, as amended by this
2-36 Act, applies only to a report due or a request for information made
2-37 on or after the effective date of this Act. A report due or request
2-38 made before that date is governed by the law in effect on the date
2-39 the report is due or the request is made, and the former law is
2-40 continued in effect for that purpose.
2-41 SECTION 4. This Act takes effect September 1, 2013.

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