

By: Fraser

S.B. No. 1209

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reporting and information availability requirements
3 for persons impounding, diverting, or otherwise using state water;
4 providing a penalty.

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

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

8 (b) A person who fails to file an annual report with the
9 commission as required by Subsection (a) or fails to timely comply
10 with a request by the commission to make information available
11 under Subsection (d) [~~this section~~] is liable for [to] a penalty in
12 an amount not to exceed \$5,000 [of \$25, plus \$1] per day for each day
13 the person fails to file the statement or comply with the request
14 after the applicable deadline [~~he fails to file the statement after~~
15 March 1. However, the maximum penalty under this section is \$150].
16 The state may sue to recover the penalty.

17 (d) Each person who has a water right issued by the
18 commission or who impounds, diverts, or otherwise uses state water
19 shall maintain water use information required under Subsection (a)
20 on a monthly basis during the months a water rights holder uses
21 permitted water. The person shall make the information available
22 to the commission on the commission's request. The executive
23 director shall establish a reasonable deadline by which a person
24 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.