

By: Frank, et al.

H.B. No. 3735

A BILL TO BE ENTITLED

AN ACT

relating to an application for a new or amended water right submitted to the Texas Commission on Environmental Quality.

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

SECTION 1. Sections 11.002(1) and (3), Water Code, are amended to read as follows:

(1) "Commission" means the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

(3) "Executive director" means the executive director of the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality.

SECTION 2. Section 11.125(a), Water Code, is amended to read as follows:

(a) The application must be accompanied by a map or plat in the form and containing the information prescribed by the commission ~~[drawn on tracing linen on a scale not less than one inch equals 2,000 feet]~~.

SECTION 3. Section 11.128, Water Code, is amended to read as follows:

Sec. 11.128. PAYMENT OF FEE. The ~~[If the]~~ applicant ~~[is not exempted from payment of the filing fee under Section 12.112 of this code, he]~~ shall pay the filing fee prescribed by Section 5.701 ~~[5.701(c)]~~ at the time ~~[he files]~~ the application is filed. The commission may ~~[shall]~~ not record, file, or consider the

1 application until the executive director certifies to the
2 commission that the fee is paid.

3 SECTION 4. Section 11.134, Water Code, is amended by adding
4 Subsection (b-1) to read as follows:

5 (b-1) In determining whether an appropriation is
6 detrimental to the public welfare under Subsection (b)(3)(C), the
7 commission may consider only the factors that are within the
8 jurisdiction and expertise of the commission as established by this
9 chapter.

10 SECTION 5. Sections 11.125(b) and (c), Water Code, are
11 repealed.

12 SECTION 6. The changes in law made by this Act apply only to
13 an application for a new or amended water right received by the
14 Texas Commission on Environmental Quality on or after the effective
15 date of this Act. An application received before the effective date
16 of this Act is governed by the law in effect on the date the
17 application was received, and the former law is continued in effect
18 for that purpose.

19 SECTION 7. This Act takes effect September 1, 2017.