

1-1 By: Perry S.B. No. 1430  
1-2 (In the Senate - Filed March 8, 2017; March 20, 2017, read  
1-3 first time and referred to Committee on Agriculture, Water & Rural  
1-4 Affairs; April 6, 2017, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 April 6, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Perry</u>	X		
1-10	<u>Rodríguez</u>	X		
1-11	<u>Creighton</u>	X		
1-12	<u>Hall</u>	X		
1-13	<u>Hinojosa</u>	X		
1-14	<u>Kolkhorst</u>	X		
1-15	<u>Miles</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1430 By: Kolkhorst

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to a requirement that the Texas Commission on  
1-20 Environmental Quality provide an expedited procedure for acting on  
1-21 certain applications for an amendment to a water right by certain  
1-22 applicants that use desalinated seawater.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 11.122, Water Code, is amended by adding  
1-25 Subsections (b-1) and (b-2) to read as follows:

1-26 (b-1) A holder of a water right that begins using  
1-27 desalinated seawater after acquiring the water right has a right to  
1-28 expedited consideration of an application for an amendment to the  
1-29 water right if the amendment:

1-30 (1) authorizes the applicant to divert water from a  
1-31 diversion point that is different from or in addition to the point  
1-32 or points from which the applicant was authorized to divert water  
1-33 before the requested amendment;

1-34 (2) authorizes the applicant to divert from the  
1-35 different or additional diversion point an amount of water that is  
1-36 equal to or less than the amount of desalinated seawater used by the  
1-37 applicant;

1-38 (3) authorizes the applicant to divert from all of the  
1-39 diversion points authorized by the water right an amount of water  
1-40 that is equal to or less than the amount of water the applicant was  
1-41 authorized to divert under the water right before the requested  
1-42 amendment;

1-43 (4) authorizes the applicant to divert water from all  
1-44 of the diversion points authorized by the water right at a combined  
1-45 rate that is equal to or less than the combined rate at which the  
1-46 applicant was authorized to divert water under the water right  
1-47 before the requested amendment; and

1-48 (5) does not authorize the water diverted from the  
1-49 different or additional diversion point to be transferred to  
1-50 another river basin.

1-51 (b-2) The executive director or the commission shall  
1-52 prioritize the technical review of an application that is subject  
1-53 to Subsection (b-1) over the technical review of applications that  
1-54 are not subject to that subsection.

1-55 SECTION 2. Section 2003.047, Government Code, is amended by  
1-56 amending Subsection (e-3) and adding Subsection (e-6) to read as  
1-57 follows:

1-58 (e-3) The deadline specified by Subsection (e-2) or (e-6),  
1-59 as applicable, may be extended:

1-60 (1) by agreement of the parties with the approval of

2-1 the administrative law judge; or  
2-2 (2) by the administrative law judge if the judge  
2-3 determines that failure to extend the deadline would unduly deprive  
2-4 a party of due process or another constitutional right.

2-5 (e-6) For a matter pertaining to an application described by  
2-6 Section 11.122(b-1), Water Code, the administrative law judge must  
2-7 complete the proceeding and provide a proposal for decision to the  
2-8 commission not later than the 270th day after the date the matter  
2-9 was referred to the office.

2-10 SECTION 3. The changes in law made by this Act apply only to  
2-11 an application for an amendment to a water right that is filed with  
2-12 the Texas Commission on Environmental Quality on or after the  
2-13 effective date of this Act. An application filed with the  
2-14 commission before the effective date of this Act is governed by the  
2-15 law as it existed immediately before the effective date of this Act,  
2-16 and that law is continued in effect for that purpose.

2-17 SECTION 4. This Act takes effect September 1, 2017.

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