

AN ACT

relating to the use of state water; providing a penalty.

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

SECTION 1. Section 11.031, Water Code, is amended by amending Subsections (b) and (d) and adding Subsections (b-1) and (g) 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 ~~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 in an amount not to exceed:

(1) \$100 per day if the person is the holder of a water right authorizing the appropriation of 5,000 acre-feet or less per year; or

(2) \$500 per day if the person is the holder of a water right authorizing the appropriation of more than 5,000 acre-feet per year ~~[he fails to file the statement after March 1. However, the maximum penalty under this section is \$150].~~

(b-1) The state may sue to recover a ~~the~~ penalty under Subsection (b).

(d) Each person who has a water right issued by the commission or who impounds, diverts, or otherwise uses state water

1 shall maintain water use information required under Subsection (a)  
2 on a monthly basis during the months a water rights holder uses  
3 permitted water. The person shall make the information available  
4 to the commission on the commission's request. The executive  
5 director shall establish a reasonable deadline by which a person  
6 must make available information requested by the commission under  
7 this subsection.

8 (g) The commission shall establish a process by which a  
9 report required under Subsection (a) may be submitted  
10 electronically through the Internet.

11 SECTION 2. Section 11.173(b), Water Code, is amended to  
12 read as follows:

13 (b) A permit, certified filing, or certificate of  
14 adjudication or a portion of a permit, certified filing, or  
15 certificate of adjudication is exempt from cancellation under  
16 Subsection (a):

17 (1) to the extent of the owner's participation in the  
18 Conservation Reserve Program authorized by the Food Security Act,  
19 Pub.L. No. 99-198, Secs. 1231-1236, 99 Stat. 1354, 1509-1514  
20 (1985) or a similar governmental program;

21 (2) if a significant portion of the water authorized  
22 to be used pursuant to a permit, certified filing, or certificate of  
23 adjudication has been used in accordance with a specific  
24 recommendation for meeting a water need included in the regional  
25 water plan approved pursuant to Section 16.053;

26 (3) if the permit, certified filing, or certificate of  
27 adjudication:

1 (A) was obtained to meet demonstrated long-term  
2 public water supply or electric generation needs as evidenced by a  
3 water management plan developed by the holder; and

4 (B) is consistent with projections of future  
5 water needs contained in the state water plan;

6 (4) if the permit, certified filing, or certificate of  
7 adjudication was obtained as the result of the construction of a  
8 reservoir funded, in whole or in part, by the holder of the permit,  
9 certified filing, or certificate of adjudication as part of the  
10 holder's long-term water planning; or

11 (5) to the extent the nonuse resulted from:

12 (A) the implementation of water conservation  
13 measures under a water conservation plan submitted by the holder of  
14 the permit, certified filing, or certificate of adjudication as  
15 evidenced by implementation reports submitted by the holder;

16 (B) a suspension, adjustment, or other  
17 restriction on the use of the water authorized to be appropriated  
18 under the permit, certified filing, or certificate of adjudication  
19 imposed under an order issued by the executive director; or

20 (C) an inability to appropriate the water  
21 authorized to be appropriated under the permit, certified filing,  
22 or certificate of adjudication due to drought conditions.

23 SECTION 3. Section 11.031, Water Code, as amended by this  
24 Act, applies only to a report due or a request for information made  
25 on or after the effective date of this Act. A report due or request  
26 made before that date is governed by the law in effect on the date  
27 the report is due or the request is made, and the former law is

1 continued in effect for that purpose.

2 SECTION 4. This Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2615 was passed by the House on May 4, 2013, by the following vote: Yeas 94, Nays 32, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2615 on May 24, 2013, by the following vote: Yeas 114, Nays 29, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2615 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 29, Nays 2.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor