

1-1 By: Frank, et al. (Senate Sponsor - Rodríguez) H.B. No. 3735
1-2 (In the Senate - Received from the House May 15, 2017;
1-3 May 15, 2017, read first time and referred to Committee on
1-4 Agriculture, Water & Rural Affairs; May 19, 2017, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 5, Nays 0; May 19, 2017, 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 COMMITTEE SUBSTITUTE FOR H.B. No. 3735 By: Perry

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

1-19 relating to an application for a new or amended water right
1-20 submitted to the Texas Commission on Environmental Quality.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 11.002(1) and (3), Water Code, are
1-23 amended to read as follows:

1-24 (1) "Commission" means the Texas ~~[Natural Resource~~
1-25 ~~Conservation]~~ Commission on Environmental Quality.

1-26 (3) "Executive director" means the executive director
1-27 of the Texas ~~[Natural Resource Conservation]~~ Commission on
1-28 Environmental Quality.

1-29 SECTION 2. Section 11.122, Water Code, is amended by adding
1-30 Subsections (b-1) and (b-2) to read as follows:

1-31 (b-1) A holder of a water right that begins using
1-32 desalinated seawater after acquiring the water right has a right to
1-33 expedited consideration of an application for an amendment to the
1-34 water right if the amendment:

1-35 (1) authorizes the applicant to divert water from a
1-36 diversion point that is different from or in addition to the point
1-37 or points from which the applicant was authorized to divert water
1-38 before the requested amendment;

1-39 (2) authorizes the applicant to divert from the
1-40 different or additional diversion point an amount of water that is
1-41 equal to or less than the amount of desalinated seawater used by the
1-42 applicant;

1-43 (3) authorizes the applicant to divert from all of the
1-44 diversion points authorized by the water right an amount of water
1-45 that is equal to or less than the amount of water the applicant was
1-46 authorized to divert under the water right before the requested
1-47 amendment; and

1-48 (4) 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 3. Section 11.125(a), Water Code, is amended to
1-56 read as follows:

1-57 (a) The application must be accompanied by a map or plat in
1-58 the form and containing the information prescribed by the
1-59 commission [drawn on tracing linen on a scale not less than one inch
1-60 equals 2,000 feet].

2-1 SECTION 4. Section 11.128, Water Code, is amended to read as
2-2 follows:

2-3 Sec. 11.128. PAYMENT OF FEE. The [If the] applicant [is
2-4 not exempted from payment of the filing fee under Section 12.112 of
2-5 this code, he] shall pay the filing fee prescribed by Section 5.701
2-6 [5.701(e)] at the time [he files] the application is filed. The
2-7 commission may [shall] not record, file, or consider the
2-8 application until the executive director certifies to the
2-9 commission that the fee is paid.

2-10 SECTION 5. Section 11.134, Water Code, is amended by adding
2-11 Subsection (b-1) to read as follows:

2-12 (b-1) In determining whether an appropriation is
2-13 detrimental to the public welfare under Subsection (b)(3)(C), the
2-14 commission may consider only the factors that are within the
2-15 jurisdiction and expertise of the commission as established by this
2-16 chapter.

2-17 SECTION 6. Section 2003.047, Government Code, is amended by
2-18 amending Subsection (e-3) and adding Subsection (e-6) to read as
2-19 follows:

2-20 (e-3) The deadline specified by Subsection (e-2) or (e-6),
2-21 as applicable, may be extended:

2-22 (1) by agreement of the parties with the approval of
2-23 the administrative law judge; or

2-24 (2) by the administrative law judge if the judge
2-25 determines that failure to extend the deadline would unduly deprive
2-26 a party of due process or another constitutional right.

2-27 (e-6) For a matter pertaining to an application described by
2-28 Section 11.122(b-1), Water Code, the administrative law judge must
2-29 complete the proceeding and provide a proposal for decision to the
2-30 commission not later than the 270th day after the date the matter
2-31 was referred to the office.

2-32 SECTION 7. Sections 11.125(b) and (c), Water Code, are
2-33 repealed.

2-34 SECTION 8. The changes in law made by this Act apply only to
2-35 an application for a new or amended water right received by the
2-36 Texas Commission on Environmental Quality on or after the effective
2-37 date of this Act. An application received before the effective date
2-38 of this Act is governed by the law in effect on the date the
2-39 application was received, and the former law is continued in effect
2-40 for that purpose.

2-41 SECTION 9. This Act takes effect September 1, 2017.

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