

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

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

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

(2) authorizes the applicant to divert from the different or additional diversion point an amount of water that is equal to or less than the amount of desalinated seawater used by the

1 applicant;

2 (3) authorizes the applicant to divert from all of the
3 diversion points authorized by the water right an amount of water
4 that is equal to or less than the amount of water the applicant was
5 authorized to divert under the water right before the requested
6 amendment; and

7 (4) does not authorize the water diverted from the
8 different or additional diversion point to be transferred to
9 another river basin.

10 (b-2) The executive director or the commission shall
11 prioritize the technical review of an application that is subject
12 to Subsection (b-1) over the technical review of applications that
13 are not subject to that subsection.

14 SECTION 3. Section 11.125(a), Water Code, is amended to
15 read as follows:

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

20 SECTION 4. Section 11.128, Water Code, is amended to read as
21 follows:

22 Sec. 11.128. PAYMENT OF FEE. The [~~If the~~] applicant [~~is not~~
23 ~~exempted from payment of the filing fee under Section 12.112 of this~~
24 ~~code, he~~] shall pay the filing fee prescribed by Section 5.701
25 [~~5.701(c)~~] at the time [~~he files~~] the application is filed. The
26 commission may [~~shall~~] not record, file, or consider the
27 application until the executive director certifies to the

1 commission that the fee is paid.

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

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

9 SECTION 6. Section 2003.047, Government Code, is amended by
10 amending Subsection (e-3) and adding Subsection (e-6) to read as
11 follows:

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

14 (1) by agreement of the parties with the approval of
15 the administrative law judge; or

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

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

24 SECTION 7. Sections 11.125(b) and (c), Water Code, are
25 repealed.

26 SECTION 8. The changes in law made by this Act apply only to
27 an application for a new or amended water right received by the

1 Texas Commission on Environmental Quality on or after the effective
2 date of this Act. An application received before the effective date
3 of this Act is governed by the law in effect on the date the
4 application was received, and the former law is continued in effect
5 for that purpose.

6 SECTION 9. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3735 was passed by the House on May 12, 2017, by the following vote: Yeas 138, Nays 5, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3735 on May 26, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3735 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor