

## **BILL ANALYSIS**

C.S.H.B. 1534  
By: Cook, Robby  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Most groundwater conservation districts are created by the confirmation elections of local citizens who have the expectation that the district will manage the groundwater resources for the benefit of all the well users within its jurisdiction. Many districts and potential districts have experienced difficulties during the confirmation election process because statutory language is often ambiguous, redundant and difficult to understand.

While Chapter 36, Water Code is designed as a toolbox from which local districts can choose management tools that uniquely fit their aquifer and the needs of their citizens, many individual citizens have interpreted these as absolute dictates. What one district may need, another may not and vice versa. It is left to the local district's board to decide, through their rules process which includes public participation, which tools will be used by a specific district.

C.S.H.B. 1534 removes certain powers in Chapter 36, Water Code that have not been used and are confusing to the electorate.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. C.S.H.B. 1534 amends Section 36.103 (b) (5) by removing the provision that allows a district to provide facilities for the purchase, sale, transportation, and distribution of water and replacing it with a provision that allows a district to provide facilities for water conservation purposes.

SECTION 2. C.S.H.B. 1534 amends Section 36.104, Water Code, removing the words "for any purpose."

SECTION 3. C.S.H.B. 1534 amends Section 36.105 (a) and (b), Water Code, Eminent Domain by adding a restriction that eminent domain applies only within the boundaries of the district and only for conservation purposes, including recharge and reuse. Additionally, a restriction is added to state that the eminent domain cannot be used for the purpose of production, sale or distribution of groundwater or surface water.

Section 4. C.S.H.B. 1534 amends Section 36.106, Water Code, Surveys by deleting the provision referring to development, production, transportation, distribution, and use of the water.

### **EFFECTIVE DATE**

September 1, 2003. C.S.H.B. 1534 also sets forth certain applicability requirements of the Act.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 1534 put back in Section 36.103 (b), Water Code, except (b) (5) which is changed to “provide necessary facilities for water conservation purposes.” It also struck “for any purpose” from Section 36.104, Water Code rather than repealing the whole section. Section 36.105, Water Code dealing with eminent domain powers is amended, rather than repealed, to allow eminent domain only within the boundaries of the district and only for conservation purposes, including recharge and reuse. Additionally, it clarifies that eminent domain may not be used for the condemnation of land for the purpose of production, sale or distribution of groundwater or surface water. Finally, in Section 36.106, Water Code, “for development, production, transportation, distribution, and use of the water,” is stricken.