

By: Cook of Colorado

H.B. No. 1534

A BILL TO BE ENTITLED

1

AN ACT

2 relating to certain powers of groundwater conservation districts.

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

4 SECTION 1. Section 36.103(b), Water Code, is amended to
5 read as follows:

6 (b) A district may:

7 (1) acquire land to erect dams or to drain lakes,
8 draws, and depressions;

9 (2) construct dams;

10 (3) drain lakes, depressions, draws, and creeks;

11 (4) install pumps and other equipment necessary to
12 recharge a groundwater reservoir or its subdivision; and

13 (5) provide necessary facilities for water
14 conservation purposes [~~the purchase, sale, transportation, and~~
15 ~~distribution of water~~].

16 SECTION 2. Section 36.104, Water Code, is amended to read as
17 follows:

18 Sec. 36.104. PURCHASE, SALE, TRANSPORTATION, AND
19 DISTRIBUTION OF WATER. A district may purchase, sell, transport,
20 and distribute surface water or groundwater [~~for any purpose~~].

21 SECTION 3. Sections 36.105(a) and (b), Water Code, are
22 amended to read as follows:

23 (a) A district may exercise the power of eminent domain to
24 acquire by condemnation a fee simple or other interest in property

1 if that property interest is:

2 (1) within the boundaries of the district; and

3 (2) necessary for conservation purposes, including
4 recharge and reuse [~~to the exercise of the authority conferred by~~
5 ~~this chapter~~].

6 (b) The power of eminent domain authorized in this section
7 may not be used for the condemnation of land for the purpose of
8 production, sale, or distribution of [~~acquiring rights to~~
9 ~~groundwater or~~ surface water [~~or water rights~~].

10 SECTION 4. Section 36.106, Water Code, is amended to read as
11 follows:

12 Sec. 36.106. SURVEYS. A district may make surveys of the
13 groundwater reservoir or subdivision and surveys of the facilities
14 [~~for development, production, transportation, distribution, and~~
15 ~~use of the water,~~] in order to determine the quantity of water
16 available for production and use and to determine the improvements,
17 development, and recharging needed by a reservoir or its
18 subdivision.

19 SECTION 5. (a) This Act takes effect September 1, 2003.

20 (b) The change in law made by this Act to Sections
21 36.103(b), 36.104, 36.105, and 36.106, Water Code, does not affect
22 a contract entered into before the effective date of this Act. Such
23 a contract is governed by the law in effect when the contract was
24 entered into, and the former law is continued in effect for that
25 purpose.

26 (c) The change in law made by this Act to Section 36.105,
27 Water Code, does not affect an eminent domain action initiated

1 before the effective date of this Act. Such an action is governed
2 by the law in effect when the action was initiated, and the former
3 law is continued in effect for that purpose.