

AN ACT

relating to certain powers of groundwater conservation districts.

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

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

(b) A district may:

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

(2) construct dams;

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

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

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

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

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

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

(a) A district may exercise the power of eminent domain to 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 (1) acquiring rights to groundwater, surface water or
9 water rights; or

10 (2) production, sale, or distribution of groundwater
11 or surface water.

12 SECTION 4. Section 36.106, Water Code, is amended to read as
13 follows:

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

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

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

1 (c) The change in law made by this Act to Section 36.105,
2 Water Code, does not affect an eminent domain action initiated
3 before the effective date of this Act. Such an action is governed
4 by the law in effect when the action was initiated, and the former
5 law is continued in effect for that purpose.

President of the Senate

Speaker of the House

I certify that H.B. No. 1534 was passed by the House on May 2, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1534 on May 30, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1534 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor