

1-1 By: Cook of Colorado (Senate Sponsor - Armbrister) H.B. No. 1534
1-2 (In the Senate - Received from the House May 5, 2003;
1-3 May 7, 2003, read first time and referred to Committee on Natural
1-4 Resources; May 22, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 10, Nays 0;
1-6 May 22, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1534 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain powers of groundwater conservation districts.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Section 36.103(b), Water Code, is amended to
1-13 read as follows:

1-14 (b) A district may:
1-15 (1) acquire land to erect dams or to drain lakes,
1-16 draws, and depressions;
1-17 (2) construct dams;
1-18 (3) drain lakes, depressions, draws, and creeks;
1-19 (4) install pumps and other equipment necessary to
1-20 recharge a groundwater reservoir or its subdivision; and
1-21 (5) provide necessary facilities for water
1-22 conservation purposes [~~the purchase, sale, transportation, and~~
1-23 ~~distribution of water~~].

1-24 SECTION 2. Section 36.104, Water Code, is amended to read as
1-25 follows:

1-26 Sec. 36.104. PURCHASE, SALE, TRANSPORTATION, AND
1-27 DISTRIBUTION OF WATER. A district may purchase, sell, transport,
1-28 and distribute surface water or groundwater [~~for any purpose~~].

1-29 SECTION 3. Sections 36.105(a) and (b), Water Code, are
1-30 amended to read as follows:

1-31 (a) A district may exercise the power of eminent domain to
1-32 acquire by condemnation a fee simple or other interest in property
1-33 if that property interest is:

1-34 (1) within the boundaries of the district; and
1-35 (2) necessary for conservation purposes, including
1-36 recharge and reuse [~~to the exercise of the authority conferred by~~
1-37 ~~this chapter~~].

1-38 (b) The power of eminent domain authorized in this section
1-39 may not be used for the condemnation of land for the purpose of:

1-40 (1) acquiring rights to groundwater, surface water or
1-41 water rights; or
1-42 (2) production, sale, or distribution of groundwater
1-43 or surface water.

1-44 SECTION 4. Section 36.106, Water Code, is amended to read as
1-45 follows:

1-46 Sec. 36.106. SURVEYS. A district may make surveys of the
1-47 groundwater reservoir or subdivision and surveys of the facilities
1-48 [~~for development, production, transportation, distribution, and~~
1-49 ~~use of the water,~~] in order to determine the quantity of water
1-50 available for production and use and to determine the improvements,
1-51 development, and recharging needed by a reservoir or its
1-52 subdivision.

1-53 SECTION 5. (a) This Act takes effect September 1, 2003.

1-54 (b) The change in law made by this Act to Sections
1-55 36.103(b), 36.104, 36.105, and 36.106, Water Code, does not affect
1-56 a contract entered into before the effective date of this Act. Such
1-57 a contract is governed by the law in effect when the contract was
1-58 entered into, and the former law is continued in effect for that
1-59 purpose.

1-60 (c) The change in law made by this Act to Section 36.105,
1-61 Water Code, does not affect an eminent domain action initiated
1-62 before the effective date of this Act. Such an action is governed
1-63 by the law in effect when the action was initiated, and the former

2-1 law is continued in effect for that purpose.

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