

By: Hilderbran

H.B. No. 1698

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the definition of "surface waters" for purposes of the
3 prohibition on diverting or impounding the natural flow of surface
4 waters in a manner that damages the property of another by the
5 overflow of the water diverted or impounded.

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

7 SECTION 1. Section 11.086(a), Water Code, is amended to
8 read as follows:

9 (a) No person may divert or impound the natural flow of
10 surface waters in this state, or permit a diversion or impounding by
11 the person [him] to continue, in a manner that damages the property
12 of another by the overflow of the water diverted or impounded. For
13 purposes of this section, "surface waters" include waters that flow
14 on the surface of the earth in a sheet or in a natural or manmade
15 conveyance.

16 SECTION 2. The change in law made by this Act applies to any
17 matter that:

18 (1) arises on or after the effective date of this Act;

19 or

20 (2) is the subject of litigation that is pending on the
21 effective date of this Act.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 1698

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.