

BILL ANALYSIS

Senate Research Center
78R11521 RCJ-F

H.B. 1534
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Natural Resources
5/14/2003
Engrossed

DIGEST AND PURPOSE

Most groundwater conservation districts are created by 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, allows local districts to choose from an array of management tools that uniquely fit their aquifer and the needs of their citizens, many individual citizens have interpreted these provisions as absolute dictates. 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 that district.

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

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.103(b), Water Code, to authorize a ground water conservation district (district) to take certain actions, including providing necessary facilities for water conservation services, rather than for the purchase, sale, transportation, and distribution of water.

SECTION 2. Amends Section 36.104, Water Code, to delete the phrase "for any purpose" from existing text relating to authorizing a district to take certain actions regarding surface water or groundwater.

SECTION 3. Amends Sections 36.105(a) and (b), Water Code, as follows:

(a) Authorizes a district to exercise the power of eminent domain to acquire by condemnation a fee simple or other interest in property if that property meets certain conditions. Deletes existing text relating to a district exercising the power of eminent domain in property for certain purposes if that property interest is necessary to the exercise of the authority conferred by this chapter.

(b) Prohibits the power of eminent domain authorized in this section from being used for the condemnation of land for the purpose of production, sale, or distribution of groundwater or surface water, rather than the purpose of acquiring rights to groundwater, surface water, or water rights.

SECTION 4. Amends Section 36.106, Water Code, to delete existing text relating to authorizing a district to make surveys of the groundwater reservoir or subdivision and surveys of the facilities for development, production, transportation, distribution, and use of the water.

SECTION 5. (a) Effective date: September 1, 2003.

(b)-(c) Make application of the change in law made by this Act to Sections 36.103(b), 36.104, 36.105, and 36.106, Water Code, prospective.