

BILL ANALYSIS

Senate Research Center

H.B. 247
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Natural Resources
5/7/2001
Engrossed

DIGEST AND PURPOSE

Under current law, a person is authorized to construct a dam or reservoir on that person's property if the dam has normal storage of not more than 200 acre-feet of water and is for domestic and livestock purposes. By allowing individuals access to the water impounded by the dam for hunting and fishing, rural property owners could obtain revenue. H.B. 247 authorizes property owners to impound water without a permit for commercial or noncommercial wildlife management.

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 11.142(a), Water Code, to authorize a person, without obtaining a permit, to construct on the person's property a dam or reservoir with normal storage of not more than 200 acre-feet of water for commercial or noncommercial wildlife management including fishing, but not including fish farming if certain conditions are met. Makes a conforming change.

SECTION 2. Amends Section 11.143(a), Water Code, to require the owner of a dam or reservoir exempted under Section 11.142(a), rather than 11.142 of this code, who desires to use water from the dam or reservoir for a purpose not described by that subsection to obtain a permit to do so. Deletes text regarding purposes of domestic or livestock use. Authorizes the owner to obtain a certain permit for a term of years. Makes a conforming change.

SECTION 3. Amends the heading to Section 11.143, Water Code, to read as follows:

Sec. 11.143. USE OF WATER FROM EXEMPT DAM OR RESERVOIR FOR
NONEXEMPT PURPOSES.

SECTION 4. Effective date: upon passage or September 1, 2001.