

BILL ANALYSIS

Senate Research Center

H.B. 247
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Natural Resources
5/9/2001
Committee Report (Amended)

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, Water Code, as follows:

(a) Authorizes 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 domestic and livestock purposes. Provides that a person who temporarily stores more than 200 acre-feet of water in a dam or reservoir described by this subsection is not required to obtain a permit for the dam or reservoir if the person can demonstrate that the person has not stored in the dam or reservoir more than 200 acre-feet of water on average in any 12-month period.

(b) Authorizes a person, without obtaining a permit, to construct on the person's property in an unincorporated area 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.

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.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends Section 11.142, Water Code, by amending previously proposed Subsection (a)

and adding new Subsection (b).