

## BILL ANALYSIS

Senate Research Center  
80R14059 EJI-F

H.B. 4114  
By: O'Day (Jackson, Mike)  
Natural Resources  
5/16/2007  
Engrossed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Legislation enacted by the 78<sup>th</sup> Legislature, Regular Session, 2003, relating to the authority of the Brazoria County Groundwater Conservation District (district) requires revisions. Specifically, language relating to definitions, exemptions, fees, and taxes needs to be updated in order to clarify the original intent of the bill.

H.B. 4114 makes such revisions and authorizes the district to increase the maximum rate of export fees currently authorized to be imposed.

### 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 2, Chapter 772, Acts of the 78<sup>th</sup> Legislature, Regular Session, 2003, as follows:

Sec. 2. New heading: DEFINITIONS. Redefines “district” and defines “board.”

SECTION 2. Amends Section 11, Chapter 772, Acts of the 78<sup>th</sup> Legislature, Regular Session, 2003, as follows:

Sec. 11. New heading: LIMITATIONS ON DISTRICT POWERS. (a) Prohibits the Brazoria County Groundwater Conservation District (district) from imposing a tax of any type, rather than a property tax, for any purpose.

(b) Prohibits the district from taking certain actions set forth in this subsection for a new or existing water well on private property that serves only a single-family dwelling used only for domestic purposes, rather than personal or agricultural purposes or to otherwise benefit the land on which the well is located. Makes conforming changes.

(c) Prohibits the district, for a new or existing water well used only for agriculture, as that term is defined by Section 36.001, Water Code, from assessing or collecting a fee of any type or requiring that a meter be placed on the well.

SECTION 3. Amends Section 12, Chapter 772, Acts of the 78<sup>th</sup> Legislature, Regular Session, 2003, as follows:

Sec. 12. New heading: FEES. Authorizes the district’s board of directors, rather than the district, to establish by schedule and impose a production fee under Section 36.205 (Authority to Set Fees), Water Code, an export fee for groundwater transferred out of the district in an amount not to exceed 150 percent of the maximum wholesale water rate charged by the City of Houston, and other fees as authorized by Chapter 36 (Groundwater Conservation Districts), Water Code, unless exempt under this Act of that chapter.

SECTION 4. Effective date: upon passage or September 1, 2007.