

BILL ANALYSIS

Senate Research Center
81R17210 SLB-F

H.B. 4785
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Brazoria County Groundwater Conservation District (district) was created in 2003 to protect the quantity and quality of Brazoria County (county) groundwater for future generations of county residents. The district was confirmed by voters in a 2005 election, creating a reasonable expectation that the district would establish and impose a groundwater production fee in an amount sufficient to execute the operation and duties of the district.

The bill creating the district in 2003 did not establish a maximum production fee, meaning that the current maximum fee is 3.06 cents per thousand gallons of water withdrawn from a well in the district, as defined in the Water Code. Unfortunately, the current maximum fee is not sufficient to meet the demands placed on the district.

H.B. 4785 changes the election date for directors of the board of the district from November to May and establishes a maximum groundwater production fee in an amount not to exceed 17 cents per thousand gallons of water authorized to be or actually withdrawn from a well in the district.

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 10(b), Chapter 772 (H.B. 3602), Acts of the 78th Legislature, Regular Session, 2003, as follows:

(b) Requires the appropriate number of directors of the Brazoria County Groundwater Conservation District (director), on the uniform election date in May, rather than on the first Tuesday after the first Monday in November, of each subsequent year following the election, to be elected.

SECTION 2. Amends Section 12, Chapter 722 (H.B. 3602), Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 12. FEES. Authorizes the board of directors of the Brazoria County Groundwater Conservation District, unless exempt under this Act or Chapter 36 (Groundwater Conservation Districts), Water Code, to establish by schedule and impose certain fees, including a production fee based on the amount of groundwater authorized by permit to be withdrawn from a well or the amount of groundwater actually withdrawn from a well in an amount not to exceed 17 cents per thousand gallons, rather than a production fee under Section 36.205 (Authority to Set Fees), Water Code.

SECTION 3. Requires a director who is serving on the day before the effective date of this Act to serve until the director's term expires. Requires a director whose term expires in November 2010 to serve until the director's successor has qualified following the directors' election held on the uniform election date in May 2012 in accordance with Section 10, Chapter 772, (H.B. 3602), Acts of the 78th Legislature, Regular Session, 2003, as amended by this Act. Requires a director whose term expires in November 2012 to serve until the director's successor has qualified following the directors' election held on the uniform election date in May 2014.

SECTION 4. Provides that all requirements of the constitution and the laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 5. Effective date: upon passage or September 1, 2009.