

By: O'Day

H.B. No. 4114

A BILL TO BE ENTITLED

AN ACT

relating to the powers and financing of the Brazoria County
Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, Chapter 772, Acts of the 78th
Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 2. DEFINITIONS [~~DEFINITION~~]. In this Act:

(1) "District" [~~,"district"~~] means the Brazoria
County Groundwater Conservation District.

(2) "Board" means the district's board of directors.

SECTION 2. Section 11, Chapter 772, Acts of the 78th
Legislature, Regular Session, 2003, is amended to read as follows:

Sec. 11. LIMITATIONS ON DISTRICT POWERS. (a) The district
may not for any purpose:

- (1) impose a tax of any type [~~property tax~~];
- (2) exercise the power of eminent domain;
- (3) acquire land;
- (4) issue or sell bonds; or
- (5) purchase, sell, transport, or distribute surface
water or groundwater.

(b) For a new or existing water well on private property
that serves only a single-family dwelling [~~is~~] used only for
domestic [~~personal or agricultural~~] purposes [~~in Brazoria County,~~
~~or to otherwise benefit the land on which the well is located~~], the

1 district may not:

- 2 (1) [~~impose a tax of any type;~~
3 [~~2~~] assess or collect a fee of any type; or
4 (2) [~~3~~] require that a meter be placed on the well.

5 (c) For a new or existing water well used only for
6 agriculture, as that term is defined by Section 36.001, Water Code,
7 the district may not:

- 8 (1) assess or collect a fee of any type; or
9 (2) require that a meter be placed on the well.

10 SECTION 3. Section 12, Chapter 772, Acts of the 78th
11 Legislature, Regular Session, 2003, is amended to read as follows:

12 Sec. 12. FEEES [~~FEE ON GROUNDWATER TRANSFERRED OUT OF~~
13 ~~DISTRICT~~]. Unless exempt under this Act or Chapter 36, Water Code,
14 the board [~~The district~~] may establish by schedule and impose:

- 15 (1) a production fee under Section 36.205, Water Code;
16 (2) an [~~a reasonable~~] export fee for [~~on~~] groundwater
17 transferred out of the district in an amount not to exceed 150
18 percent of the maximum wholesale water rate charged by the City of
19 Houston; and
20 (3) other fees as authorized by Chapter 36, Water
21 Code.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2007.