

## **BILL ANALYSIS**

H.B. 4808  
By: Hunter  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Constitution authorizes the creation of groundwater conservation districts to manage and conserve groundwater. Each political subdivision in Calhoun County believes that there is a public necessity for such a district in order to properly manage groundwater in the county.

H.B. 4808 creates of the Calhoun County Groundwater Conservation District to manage groundwater in district territory. The bill authorizes the district to impose certain reasonable well fees and prohibits the district from imposing a tax.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 4808 amends the Special District Local Laws Code to set forth standard language for the creation of the Calhoun County Groundwater Conservation District. The bill sets forth general provisions for the nature of the district, the confirmation of the district, legislative findings relating to the district, and initial district territory. The bill specifies that its provisions prevail in any conflict of law and sets forth temporary provisions set to expire December 1, 2016, for temporary directors, the confirmation election for the district, initial directors, and the first election of permanent directors. The bill sets forth general provisions for the number of members and terms of directors, the method of electing directors, and the date of such an election.

H.B. 4808 grants the district all the rights, powers, privileges, functions, and duties applicable to a groundwater conservation district and prohibits the district from denying a permit to drill a well or the privilege to produce groundwater to the owner of a tract of land, or the owner's lessee, who does not have a well equipped to produce more than 25,000 gallons each day on the tract. The bill authorizes the district to assist in mediation between landowners regarding the loss of existing groundwater supply of exempt domestic and livestock users due to the groundwater pumping of others and prohibits the district from exercising the power of eminent domain. The bill authorizes the board by rule to impose a reasonable fee on each well for which a permit is issued by the district and not exempt from district regulation, including a fee or surcharge for an export fee. The bill authorizes these fees to be assessed annually and used to fund the cost of district operations. The bill prohibits the district from imposing taxes and specifies that the district does not have certain taxation authority granted to groundwater conservation districts. The bill defines the terms "board," "director," and "district."

### **EFFECTIVE DATE**

September 1, 2009.