

BILL ANALYSIS

Senate Research Center
78R10706 MI-F

H.B. 2888
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Natural Resources
5/21/2003
Engrossed

This analysis utilizes the House Committee Report, which is the most recent version available to the Senate Research Center, and is not formatted to the style of the Senate Research Center. There were no changes to H.B. 2888 on the House floor.

BACKGROUND AND PURPOSE

Currently, there is a domestic and livestock exemption that allows a person to construct a dam or reservoir on that person's property without obtaining a permit if the dam has normal storage of not more than 200 acre-feet of water and is for domestic and livestock purposes. Many of these reservoirs are being created strictly for an aesthetic purpose. H.B. 2888 amends the Water Code to clarify that a dam or reservoir constructed predominantly to enhance the appearance of the landscape is not exempt from permit requirements.

Additionally, a number of groundwater conservation districts (districts) have experienced problems with landowners using groundwater to fill amenity lakes or vanity ponds. Often, these wells are exempt based on the domestic and livestock exemption; and, as a result, certain amounts of groundwater are pumped without any ability by the district to monitor or manage the pumping.

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. 2888 amends Chapter 11 and Chapter 36 of the Water Code to clarify that water stored in a dam or reservoir predominantly for purposes of enhancing the appearance of the landscape is not eligible for the domestic and livestock permit exemption. This legislation also modifies the domestic and livestock exemption to clarify that a well used solely or partly to provide water for a pond or lake used predominantly to enhance the appearance of the landscape is not eligible for a permit exemption.

H.B. 2888 also provides that the changes in law made by this Act apply to a dam or reservoir regardless of the date of construction and to a well regardless of the date of drilling.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.