

## **BILL ANALYSIS**

C.S.H.B. 1547  
By: Zerwas  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that the North Fort Bend Water Authority was created several years ago for the purpose of delivering surface water to users within its boundaries and subject to its groundwater reduction plan so that the users would be in compliance with Fort Bend Subsidence District and Harris-Galveston Subsidence District regulations, which require users to convert from groundwater to surface water. The parties further note that in order to comply with the subsidence districts' groundwater reduction regulations, the authority has built and financed significant water infrastructure for delivery of non-groundwater sources and has financed hundreds of millions of dollars of infrastructure costs. The authority charges applicable surface water and groundwater pumpage fees to public and private entities within its boundaries and subject to its groundwater reduction plan.

The interested parties contend that if certain wells or classes of wells are no longer subject to groundwater reduction requirements, such exemption could significantly increase the financial burden on the remaining wells included in the authority's groundwater reduction plan and impair the authority's ability to pay for needed water infrastructure. C.S.H.B. 1547 seeks to address this issue by establishing provisions relating to the power of the authority to impose a charge on certain wells or classes of wells.

### **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**

C.S.H.B. 1547 amends the Special District Local Laws Code to authorize the North Fort Bend Water Authority to impose a charge according to the amount of water pumped on a well or class of wells located in Harris or Fort Bend County that, on or after February 1, 2013, either ceases to be subject to a groundwater reduction requirement imposed by the Harris-Galveston Subsidence District or the Fort Bend Subsidence District, as applicable, or is no longer subject to the regulatory provisions, permitting requirements, or jurisdiction of such districts, as applicable.

C.S.H.B. 1547 establishes that the authority retains all rights, powers, privileges, authorities, duties, and functions that it had before the bill's effective date. The bill provides for the validation and confirmation of certain authority actions and proceedings taken before the bill's effective date.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1547 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

SECTION 1. Section 8813.103, Special District Local Laws Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) For purposes of Subsection (d), a well is subject to a groundwater reduction requirement if the Harris-Galveston Subsidence District or the Fort Bend Subsidence District, as [the] applicable, [subsidence district] has adopted or adopts a requirement or rule that groundwater withdrawals from the well, or from the well and other wells collectively, be reduced, including a groundwater reduction that is not required until a future date.

(e-1) Notwithstanding Subsection (d), the authority may impose a charge under Subsection (b) on a well or class of wells located in Harris or Fort Bend County that ceases on or after June 30, 2013, to be subject to a groundwater reduction requirement imposed by the Harris-Galveston Subsidence District or the Fort Bend Subsidence District, as applicable.

SECTION 2. The North Fort Bend Water Authority retains all rights, powers, privileges, authorities, duties, and functions that it had before the effective date of this Act.

SECTION 3. (a) The legislature validates and confirms all governmental acts and proceedings of the North Fort Bend Water Authority that were taken before the effective date of this Act.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 8813.103, Special District Local Laws Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) For purposes of Subsection (d), a well is subject to a groundwater reduction requirement if the Harris-Galveston Subsidence District or the Fort Bend Subsidence District, as [the] applicable, [subsidence district] has adopted or adopts a requirement or rule that groundwater withdrawals from the well, or from the well and other wells collectively, be reduced, including a groundwater reduction that is not required until a future date.

(e-1) Notwithstanding Subsection (d), the authority may impose a charge under Subsection (b) on a well or class of wells located in Harris or Fort Bend County that, on or after February 1, 2013:

(1) ceases to be subject to a groundwater reduction requirement imposed by the Harris-Galveston Subsidence District or the Fort Bend Subsidence District, as applicable; or

(2) is no longer subject to the regulatory provisions, permitting requirements, or jurisdiction of the Harris-Galveston Subsidence District or the Fort Bend Subsidence District, as applicable.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

invalid by a final court judgment; or  
(2) has been held invalid by a final court judgment.

SECTION 4. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and 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. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.