

By: Callegari

H.B. No. 1883

A BILL TO BE ENTITLED

AN ACT

relating to the Harris-Galveston Subsidence District; providing authority to impose a fee.

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

SECTION 1. Section 8801.001, Special District Local Laws Code, is amended by amending Subdivisions (1-a) and (1-b) and adding Subdivisions (1-c) and (4-c) to read as follows:

(1-a) "Alternative water supply" means any water source other than groundwater withdrawn inside the district, and may include water supplied through an approved groundwater reduction plan.

(1-b) "Beneficial use" means any use that is useful or beneficial to the user, including:

(A) an agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, or recreational use, or a use for pleasure purposes; or

(B) exploring for, producing, handling, or treating oil, gas, sulfur, or other minerals.

(1-c) ~~[(1-b)]~~ "Board" means the board of directors of the district.

(4-c) "Regional water supplier" means a political subdivision of this state that has:

(A) the authority to conserve, store, treat, and purify water and to transport, distribute, sell, and deliver water

1 to any person in this state; and

2 (B) an approved groundwater reduction plan.

3 SECTION 2. Section 8801.0551, Special District Local Laws  
4 Code, is amended to read as follows:

5 Sec. 8801.0551. QUORUM. A majority of the membership of the  
6 board constitutes a quorum for any meeting, and a concurrence of a  
7 majority of the entire membership of the board is sufficient for  
8 transacting any district business. A member who abstains from  
9 voting on a particular matter does not count as part of the  
10 membership for the purposes of that vote, and a majority of the  
11 remaining membership is sufficient for transacting any district  
12 business.

13 SECTION 3. Subchapter B, Chapter 8801, Special District  
14 Local Laws Code, is amended by adding Section 8801.066 to read as  
15 follows:

16 Sec. 8801.066. INVESTMENT OFFICER. (a) Notwithstanding  
17 Section 2256.005(f), Government Code, the board may contract with a  
18 person to act as investment officer of the district.

19 (b) The investment officer shall:

20 (1) not later than the first anniversary of the date  
21 the officer takes office or assumes the officer's duties, attend a  
22 training session of at least six hours of instruction relating to  
23 investment responsibilities under Chapter 2256, Government Code;  
24 and

25 (2) attend at least four hours of additional  
26 investment training within each two-year period after the first  
27 year.

1        (c) Training under this section must be from an independent  
2 source approved by:

- 3                (1) the board; or  
4                (2) a designated investment committee advising the  
5 investment officer.

6        (d) Training under this section must include education in  
7 investment controls, security risks, strategy risks, market risks,  
8 diversification of investment portfolio, and compliance with  
9 Chapter 2256, Government Code.

10        SECTION 4. Sections 8801.110(c) and (e), Special District  
11 Local Laws Code, are amended to read as follows:

12        (c) Written notice of a hearing other than a hearing on a  
13 permit application must be given to:

14                (1) each county, regional water supplier, and  
15 municipal government in the district; and

16                (2) each person that the board believes has an  
17 interest in the subject matter of the hearing.

18        (e) A copy of the notice must be provided to each county  
19 clerk to be posted in the place where notices are usually posted at  
20 the county courthouse of each county in the district.

21        SECTION 5. Section 8801.115, Special District Local Laws  
22 Code, is amended to read as follows:

23        Sec. 8801.115. STUDIES BY BOARD STAFF. At least once each  
24 year and at any other time the board considers necessary, the board  
25 shall have its staff and, if necessary, the staff of the Texas Water  
26 Development Board make a complete study of the groundwater in the  
27 district and determine:

- 1           (1) the water level;
- 2           (2) the rates and amounts of groundwater withdrawal;
- 3 and
- 4           (3) other information relating to groundwater
- 5 withdrawal that may affect ~~[effect]~~ subsidence in the district.

6           SECTION 6. Section 8801.117(a), Special District Local Laws

7 Code, is amended to read as follows:

8           (a) The ~~[Not later than March 31 of each year, the]~~ board

9 shall hold an annual ~~[a]~~ hearing to determine the effects of

10 groundwater withdrawal during the preceding calendar year on

11 subsidence in the district.

12           SECTION 7. Section 8801.151, Special District Local Laws

13 Code, is amended to read as follows:

14           Sec. 8801.151. GROUNDWATER WITHDRAWALS SUBJECT TO BOARD

15 RULE. (a) Groundwater withdrawals governed by this chapter,

16 including withdrawals of injected water, are subject to reasonable

17 board rules and orders, taking into account all factors, including

18 availability of surface water or alternative water supplies,

19 economic impact on persons and the community, degree and effect of

20 subsidence on the surface of land, and differing topographical and

21 geophysical characteristics of land areas in the district.

22           (b) The board may issue permits to drill new wells and may,

23 by rule, provide exemptions from the permit requirements. The

24 district shall grant a permit to drill and operate a new well inside

25 a platted subdivision if water service from a retail public utility

26 is not available to the lot where the well is to be located.

27           (c) In this section, "retail public utility" has the meaning

1 assigned by Section 13.002, Water Code.

2 SECTION 8. Section 8801.152, Special District Local Laws  
3 Code, is amended to read as follows:

4 Sec. 8801.152. CERTAIN GROUNDWATER USES [~~WELLS~~] EXEMPT.  
5 The permit requirements [~~regulatory provisions~~] of this chapter do  
6 not apply to:

7 (1) a well regulated under Chapter 27, Water Code;

8 (2) a well with a casing diameter of less than five  
9 inches that serves only a single-family dwelling; and

10 (3) any other well as provided by board rule.

11 SECTION 9. Sections 8801.155(a) and (c), Special District  
12 Local Laws Code, are amended to read as follows:

13 (a) An [~~The~~] owner [~~or operator~~] of a well located in the  
14 district must obtain a permit from the board before:

15 (1) drilling, equipping, or completing the well;

16 (2) substantially altering the size of the well or a  
17 well pump; or

18 (3) operating the well.

19 (c) A well [~~An~~] owner [~~or operator~~] commits a violation if  
20 the well owner [~~or operator~~] does not obtain a permit as required by  
21 Subsection (a). A violation occurs on the first day the drilling,  
22 alteration, or operation begins. Each day that a violation  
23 continues is a separate violation.

24 SECTION 10. Section 8801.158(c), Special District Local  
25 Laws Code, is amended to read as follows:

26 (c) The board shall issue a permit to an applicant if, on  
27 presentation of adequate proof, the board finds that:

1           (1) there is no other adequate and available  
2 substitute or supplemental source of alternative [~~surface~~] water  
3 supplies at prices competitive with the prices charged by suppliers  
4 of alternative [~~surface~~] water supplies in the district; and

5           (2) compliance with any provision of this chapter or  
6 any district rule will result in an arbitrary taking of property or  
7 in the practical closing and elimination of a lawful business,  
8 occupation, or activity without sufficient corresponding benefit  
9 or advantage to the public.

10         SECTION 11. Section 8801.161(b-1), Special District Local  
11 Laws Code, is amended to read as follows:

12           (b-1) The fee under Subsection (a) may not exceed 110  
13 percent of the highest rate that the City of Houston charges for  
14 [~~surface~~] water supplied to its customers in the district.

15         SECTION 12. Section 8801.162, Special District Local Laws  
16 Code, is amended to read as follows:

17         Sec. 8801.162. ANNUAL REPORT. (a) Before January 31 each  
18 year, a well owner who is required to hold [~~holds~~] a permit under  
19 this chapter shall submit to the board a report stating:

20           (1) the well owner's name;

21           (2) the total amount of groundwater withdrawn from the  
22 well during the preceding calendar year [~~12-month period~~];

23           (3) the total amount of groundwater withdrawn from the  
24 well during each month of the preceding calendar year [~~12-month~~  
25 ~~period~~];

26           (4) the purpose for which the groundwater was used;

27 and

1           (5) any other information the board considers  
2 necessary.

3           (b) For the purposes of this section, a well owner whose  
4 well is aggregated with other wells permitted and managed by a  
5 regional water supplier is required to file the report with the  
6 regional water supplier instead of the district. Regional water  
7 suppliers are required to annually submit to the board the report  
8 required in Subsection (a) for all wells owned, managed, or  
9 permitted by that supplier no later than March 31.

10          SECTION 13. Section 8801.163(a), Special District Local  
11 Laws Code, is repealed.

12          SECTION 14. (a) Section 8801.0551, Special District Local  
13 Laws Code, as amended by this Act, applies only to a vote taken by  
14 the board of directors of the Harris-Galveston Subsidence District  
15 on or after the effective date of this Act. A vote taken by that  
16 board before the effective date of this Act is governed by the law  
17 in effect on the date the vote was taken, and that law is continued  
18 in effect for that purpose.

19          (b) An investment officer for the Harris-Galveston  
20 Subsidence District who holds that office on the effective date of  
21 this Act must attend the training required by Section  
22 8801.066(b)(1), Special District Local Laws Code, as added by this  
23 Act, not later than the first anniversary of the effective date of  
24 this Act.

25          SECTION 15. This Act takes effect immediately if it  
26 receives a vote of two-thirds of all the members elected to each  
27 house, as provided by Section 39, Article III, Texas Constitution.

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1 If this Act does not receive the vote necessary for immediate  
2 effect, this Act takes effect September 1, 2013.