

By: Taylor

S.B. No. 1031

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 adding Subdivision (4-c) to read as follows:

(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 to any person in this state; and

(B) an approved groundwater reduction plan.

SECTION 2. Subchapter B, Chapter 8801, Special District Local Laws Code, is amended by adding Section 8801.066 to read as follows:

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

(b) The investment officer shall:

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

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

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

6 (1) the board; or

7 (2) a designated investment committee advising the
8 investment officer.

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

13 SECTION 3. Subsections (c) and (e), Section 8801.110,
14 Special District Local Laws Code, are amended to read as follows:

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

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

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

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

24 SECTION 4. Section 8801.115, Special District Local Laws
25 Code, is amended to read as follows:

26 Sec. 8801.115. STUDIES BY BOARD STAFF. At least once each
27 year and at any other time the board considers necessary, the board

1 shall have its staff and, if necessary, the staff of the Texas Water
2 Development Board make a complete study of the groundwater in the
3 district and determine:

4 (1) the water level;

5 (2) the rates and amounts of groundwater withdrawal;

6 and

7 (3) other information relating to groundwater
8 withdrawal that may affect ~~[effect]~~ subsidence in the district.

9 SECTION 5. Subsection (a), Section 8801.117, Special
10 District Local Laws Code, is amended to read as follows:

11 (a) The ~~[Not later than March 31 of each year, the]~~ board
12 shall hold an annual ~~[a]~~ hearing to determine the effects of
13 groundwater withdrawal during the preceding calendar year on
14 subsidence in the district.

15 SECTION 6. Section 8801.151, Special District Local Laws
16 Code, is amended to read as follows:

17 Sec. 8801.151. GROUNDWATER WITHDRAWALS SUBJECT TO BOARD
18 RULE. (a) Groundwater withdrawals governed by this chapter,
19 including withdrawals of injected water, are subject to reasonable
20 board rules and orders, taking into account all factors, including
21 availability of surface water or alternative water supplies,
22 economic impact on persons and the community, degree and effect of
23 subsidence on the surface of land, and differing topographical and
24 geophysical characteristics of land areas in the district.

25 (b) The board may issue permits to drill new wells and may,
26 by rule, provide exemptions from the permit requirements. The
27 district shall grant a permit to drill and operate a new well inside

1 a platted subdivision if an applicant provides official
2 documentation from the local retail public utility affirming that
3 water service will not be available to the lot where the well is to
4 be located. If more than one retail public utility may provide
5 service to the lot where the well is to be located, the applicant
6 must provide official documentation from each of the utilities.

7 (c) In this section, "retail public utility" has the meaning
8 assigned by Section 13.002, Water Code.

9 (d) The district may not count the volume of water withdrawn
10 under a permit issued under Subsection (b) against a groundwater
11 reduction plan of a retail public utility.

12 SECTION 7. Section 8801.152, Special District Local Laws
13 Code, is amended to read as follows:

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

- 17 (1) a well regulated under Chapter 27, Water Code;
18 (2) a well with a casing diameter of less than five
19 inches that serves only a single-family dwelling; and
20 (3) any other well as provided by board rule.

21 SECTION 8. Subsections (a) and (c), Section 8801.155,
22 Special District Local Laws Code, are amended to read as follows:

23 (a) A ~~[The owner or operator of a]~~ well owner ~~[located in the~~
24 ~~district]~~ must obtain a permit from the board before:

- 25 (1) drilling, equipping, or completing the well;
26 (2) substantially altering the size of the well or a
27 well pump; or

1 (3) operating the well.

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

7 SECTION 9. Subsection (c), Section 8801.158, Special
8 District Local Laws Code, is amended to read as follows:

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

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

15 (2) compliance with any provision of this chapter or
16 any district rule will result in an arbitrary taking of property or
17 in the practical closing and elimination of a lawful business,
18 occupation, or activity without sufficient corresponding benefit
19 or advantage to the public.

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

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

25 SECTION 11. Section 8801.162, Special District Local Laws
26 Code, is amended to read as follows:

27 Sec. 8801.162. ANNUAL REPORT. (a) Before January 31 each

year, a well owner who is required to hold [~~holds~~] a permit under this chapter shall submit to the board a report stating:

(1) the well owner's name;

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

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

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

(5) any other information the board considers necessary.

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

SECTION 12. Subsection (a), Section 8801.163, Special District Local Laws Code, is repealed.

SECTION 13. An investment officer for the Harris-Galveston Subsidence District who holds that office on the effective date of this Act must attend the training required by Subdivision (1), Subsection (b), Section 8801.066, Special District Local Laws Code, as added by this Act, not later than the first anniversary of the effective date of this Act.

1 SECTION 14. This Act takes effect immediately if it
2 receives a vote of two-thirds of all the members elected to each
3 house, as provided by Section 39, Article III, Texas Constitution.
4 If this Act does not receive the vote necessary for immediate
5 effect, this Act takes effect September 1, 2013.