

1-1 By: Taylor S.B. No. 1031
1-2 (In the Senate - Filed March 4, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 15, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 15, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Hinojosa	X		
1-10	Nichols	X		
1-11	Garcia	X		
1-12	Paxton	X		
1-13	Taylor	X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1031 By: Taylor

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the Harris-Galveston Subsidence District; providing
1-18 authority to impose a fee.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 8801.001, Special District Local Laws
1-21 Code, is amended by adding Subdivision (4-c) to read as follows:

1-22 (4-c) "Regional water supplier" means a political
1-23 subdivision of this state that has:

1-24 (A) the authority to conserve, store, treat, and
1-25 purify water and to transport, distribute, sell, and deliver water
1-26 to any person in this state; and

1-27 (B) an approved groundwater reduction plan.

1-28 SECTION 2. Subchapter B, Chapter 8801, Special District
1-29 Local Laws Code, is amended by adding Section 8801.066 to read as
1-30 follows:

1-31 Sec. 8801.066. INVESTMENT OFFICER. (a) Notwithstanding
1-32 Section 2256.005(f), Government Code, the board may contract with a
1-33 person to act as investment officer of the district.

1-34 (b) The investment officer shall:

1-35 (1) not later than the first anniversary of the date
1-36 the officer takes office or assumes the officer's duties, attend a
1-37 training session of at least six hours of instruction relating to
1-38 investment responsibilities under Chapter 2256, Government Code;
1-39 and

1-40 (2) attend at least four hours of additional
1-41 investment training within each two-year period after the first
1-42 year.

1-43 (c) Training under this section must be from an independent
1-44 source approved by:

1-45 (1) the board; or

1-46 (2) a designated investment committee advising the
1-47 investment officer.

1-48 (d) Training under this section must include education in
1-49 investment controls, security risks, strategy risks, market risks,
1-50 diversification of investment portfolio, and compliance with
1-51 Chapter 2256, Government Code.

1-52 SECTION 3. Subsections (c) and (e), Section 8801.110,
1-53 Special District Local Laws Code, are amended to read as follows:

1-54 (c) Written notice of a hearing other than a hearing on a
1-55 permit application must be given to:

1-56 (1) each county, regional water supplier, and
1-57 municipal government in the district; and

1-58 (2) each person that the board believes has an
1-59 interest in the subject matter of the hearing.

1-60 (e) A copy of the notice must be provided to each county

clerk to be posted in the place where notices are usually posted at the county courthouse of each county in the district.

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

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

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

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

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

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

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

(b) The board may issue permits to drill new wells and may, by rule, provide exemptions from the permit requirements. The district shall grant a permit to drill and operate a new well inside a platted subdivision if an applicant provides official documentation from the local retail public utility affirming that water service will not be available to the lot where the well is to be located. If more than one retail public utility may provide service to the lot where the well is to be located, the applicant must provide official documentation from each of the utilities.

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

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

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

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

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

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

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

- (1) drilling, equipping, or completing the well;
- (2) substantially altering the size of the well or a well pump; or
- (3) operating the well.

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

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

(c) The board shall issue a permit to an applicant if, on

presentation of adequate proof, the board finds that:

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

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

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

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

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

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.

SECTION 14. 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.

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