

BILL ANALYSIS

S.B. 1008
By: Hinojosa
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Rio Grande Valley is growing, and in order to build sufficient housing for the increasing population, farmland is often subdivided for housing. When water utilities attempt to service these new developments, potable water lines often must cross decades-old irrigation canals owned by irrigation districts. These districts often charge the utilities exorbitant fees and "crossing costs" based on the size of water lines. The fees, crossing costs, and unduly burdensome engineering requirements imposed by districts significantly increase the cost of providing necessary services for homeowners. S.B. 1008 seeks to reduce these costs by prohibiting certain general law water districts from imposing unduly burdensome construction requirements or unreasonable fees on a retail public utility that proposes to construct a water or sewer pipeline or associated infrastructure in the district's service area.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 1008 amends the Water Code to prohibit an applicable general law water district from imposing the following on a retail public utility that proposes to construct a water or sewer pipeline or associated infrastructure in the district's service area:

- requirements for constructing the pipeline that are unduly burdensome; or
- a fee that is greater than the actual, reasonable, and documented costs incurred by the district for review, legal services, engineering services, inspection, construction, and repair associated with the construction, and any other related costs incurred by the district in association with the construction.

This prohibition applies only to a district whose territory is located wholly or partly in a county that is located on the Gulf of Mexico and an international border or that is adjacent to such a county. The bill's provisions expressly prevail over a special law governing such a district.

EFFECTIVE DATE

September 1, 2021.