

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 595
By: Hegar
Natural Resources
3/5/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 595 will permit the North Fort Bend Water Authority (authority) to continue to impose groundwater pumpage fees on wells subject to groundwater reduction requirements by the subsidence district on June 30, 2013.

Wells subject to groundwater reduction requirements by the subsidence district are included within the authority's groundwater reduction plan.

The authority has planned for the projected water use of such wells and the necessary conversion to non-groundwater sources. In doing so, the authority has built significant water infrastructure for delivery of non-groundwater sources and issued hundreds of millions of dollars of bonds to finance that infrastructure.

If the subsidence district were to remove wells from the groundwater reduction requirements and if such wells ceased paying groundwater pumpage fees, this 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 the water infrastructure that it is constructing.

C.S.S.B. 595 amends current law relating to the power of the North Fort Bend Water Authority to impose a charge on certain wells or classes of wells.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(e) Provides that, for purposes of Subsection (d) (relating to wells located in Harris County or Fort Bend County), a well is subject to a groundwater reduction requirement if the Harris-Galveston Subsidence District or the Fort Bend Subsidence District, as applicable, rather than 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) Authorizes the North Fort Bend Water Authority (authority), notwithstanding Subsection (d), to impose a charge under Subsection (b) (relating to charging an owner of a well located within the authority's boundaries a fee) on a well or class of wells located in Harris or Fort Bend County that, on or after February 1, 2013, 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 the Harris-Galveston Subsidence District or the Fort Bend Subsidence District, as applicable.

SECTION 2. Provides that the authority retains all rights, powers, privileges, authorities, duties, and functions that it had before the effective date of this Act.

SECTION 3. (a) Provides that the legislature validates and confirms all governmental acts and proceedings of the authority that were taken before the effective date of this Act.

(b) Provides that this section does not apply to any matter that on the effective date of this Act is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment or has been held invalid by a final court judgment.

SECTION 4. Provides that all requirements of the constitution and the 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. Effective date: upon passage or September 1, 2013.