

- SUBJECT:** Revising Harris-Galveston and Fort Bend subsidence districts
- COMMITTEE:** Natural Resources — committee substitute recommended
- VOTE:** 8 ayes — Puente, Callegari, Bonnen, Campbell, Geren, Hardcastle, Hope, Laney
- 0 nays
- 1 absent — Hilderbran
- WITNESSES:** For — Jim Box and Jace Houston, Harris-Galveston Coastal Subsidence District; Ronald Neighbors, Harris-Galveston Coastal Subsidence District, Fort Bend Subsidence District
- Against — None
- BACKGROUND:** The Harris-Galveston Coastal Subsidence District is a conservation and reclamation district that was created by the 64th Legislature in 1975 for the purpose of regulating groundwater withdrawals to mitigate land subsidence in Harris and Galveston counties. The Fort Bend Subsidence District was created in by the 71st Legislature in 1989 to regulate groundwater withdrawals in Fort Bend County.
- Water Code, ch. 36 governs groundwater conservation districts, the state’s preferred method of groundwater management. These districts have the authority to adopt and enforce rules to manage groundwater resources and to issue permits for water wells.
- DIGEST:** CSHB 1680 statutorily would separate regulations governing the Harris-Galveston Coastal Subsidence District (HGCS D) and Fort Bend Subsidence District (FBSD) from the Water Code.
- Laws governing the administration of conservation and reclamation districts other than those included in Special Districts Local Laws Code, ch. 8801, would not apply to HGCS D. Ch. 8801 would prevail over conflicting law.

Laws governing the administration of conservation and reclamation districts, other than those included in Acts of the 71st Legislature, ch. 1045, Regular Session, 1989, would not apply to FBSD. Ch. 1045 would prevail over conflicting law.

Much of the bill would recodify in the enabling acts of the two subsidence districts certain provisions of the Water Code that currently apply to the districts.

Among its substantive changes regarding the districts, the bill would rename HGCSO as the "Harris-Galveston Subsidence District."

The bill would delete a provision allowing annexation of adjacent counties upon those counties' request. The districts would have to provide only written notice of hearings that were not permit hearings to interested parties. Each district would have to submit a report on the annual effects of groundwater withdrawal on subsidence in the district and its most recent district plan to the appropriate regional water planning group.

Withdrawals of injected water would be subject to rules of the district. The bill would allow the districts to establish a disincentive permit fee in order to create a disincentive to over-reliance on groundwater.

An appeal of a district rule to a district court could go forward only after any administrative appeal had been resolved. A rule would be considered valid on its face and the burden of proof would be on the petitioner. The court could postpone or continue the suit only if such action was imperative.

The bill would allow a district to require a person to convert from groundwater to an "alternative water supply," rather than surface water in current law.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 1680 would simplify statutory authority governing HGCSO and FBSD. Subsidence districts are substantially dissimilar to the groundwater districts governed under Water Code, ch. 36 in terms of their purpose and administration. While groundwater districts primarily are concerned with

conserving and regulating groundwater resources, the primary function of subsidence districts is to mitigate the effects that groundwater withdrawals have on certain coastal areas liable to sink if groundwater is over-pumped. Many of the new, innovative strategies now required of groundwater districts, such as groundwater availability modeling, simply are not relevant for the subsidence districts, and separating the two types of districts would allow for easier statutory modification by the Legislature.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee substitute to HB 1680 is a Legislative Council draft that made numerous nonsubstantive changes. Among its substantive changes, the bill replaced references to conversions from groundwater to “surface water” with conversions to an “alternate water source.”

The companion bill, SB 1537 by Armbrister, passed the Senate on the Local and Uncontested Calendar on May 3 and was reported favorably, without amendment, by the House Natural Resources Committee on May 9, making it eligible for consideration in lieu of HB 1680.