

BILL ANALYSIS

Senate Research Center
81R29419 SGA-D

C.S.S.B. 2536
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Natural Resources
5/7/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The West Harris County Regional Water Authority (authority) was created by the legislature in 2001 for the purpose of delivering surface water to users within its boundaries and groundwater reduction plan so that the users would be in compliance with Houston Galveston Subsidence District (subsidence district) regulations. These subsidence district regulations require users to convert from groundwater to surface water. There are over 120 water districts and one city within the boundaries of the authority.

In order to finance the water infrastructure needed to implement the surface water conversion, the authority charges surface water and/or groundwater pumpage fees to the entities within its boundaries and groundwater reduction plan. By implementing surface water conversion, the authority is providing necessary groundwater reduction plan services and compliance with subsidence district regulations for all of these entities. Collection of its fees is imperative for the authority to be able to construct, maintain, and finance its surface water infrastructure. This bill makes clear that districts and political subdivisions may not claim governmental immunity to avoid authority fees or rules.

C.S.S.B. 2536 amends current law relating to the powers of the authority.

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 4.01(d), Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, as follows:

(d) Provides that the following laws, rather than Sections 49.451 (Posting Signs in the District), 49.452 (Notice to Purchasers), 49.453 (Notice Form from District), 49.454 (Notice of Unpaid Standby Fees), and 49.455 (Filing Information), Water Code, do not apply to the West Harris County Regional Water Authority (authority):

- (1) Chapter 36 (Groundwater Conservation Districts), Water Code;
- (2) Section 49.052 (Disqualification of Directors), Water Code; and
- (3) Sections 49.451-49.455, Water Code.

SECTION 2. Amends the heading to Section 4.07, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, to read as follows:

Sec. 4.07. CIVIL PENALTY; CIVIL ACTIONS; INJUNCTION.

SECTION 3. Amends Section 4.07, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, by adding Subsections (b-1) and (e), as follows:

(b-1) Authorizes the authority to bring an action in a district court against a district, other political subdivision, or other person located in the authority's territory or included in the

authority's groundwater reduction plan to recover any fees, rates, charges, assessments, collection expenses, attorney's fees, interest, penalties, or administrative penalties due the authority, or to enforce the authority's rules or orders.

(e) Provides that governmental immunity from suit or liability of a district or other political subdivision is waived for the purposes of an action described by Subsection (b-1) of this section.

SECTION 4. Effective date: upon passage or September 1, 2009.