

BILL ANALYSIS

Senate Research Center
77R11239 QS-D

H.B. 1842
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

Texas faces a difficult challenge to develop water policies that serve state and regional interests. The Texas Constitution authorizes the creation of groundwater conservation districts to plan, develop, and regulate the use of water. The land proposed to be included within the West Harris County Water Authority (authority) is located within Area 3 of the Harris-Galveston Coastal Subsidence District (Subsidence District) and a small portion of Fort Bend County. The subsidence district has issued groundwater reduction regulations that require use of water sources other than groundwater. Currently, the water needs of the area are provided by districts through groundwater wells. The subsidence district requires major water users in Area 3 to gradually convert to alternative water sources in the coming years. In addition, a combined groundwater reduction plan must be submitted by the affected entities to the subsidence district by January 2003. Creation of the authority would allow water districts the opportunity to participate in an entity through which they can influence water decisions for the area, and provide a mechanism to prepare a combined groundwater reduction plan for all entities within the authority. H.B. 1842 creates the West Harris County Regional Water Authority.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the West Harris County Regional Water Authority in SECTIONS 1.06, 4.02, 4.08, 4.09, and 4.10, and to the board of directors of the West Harris County Water Authority in SECTIONS 2.02, 4.03, and 4.05 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1.01. CREATION. Sets forth provisions regarding the creation of the West Harris County Regional Water Authority (authority).

SECTION 1.02. DEFINITIONS. Defines “authority,” “board,” “commission,” “director,” “district,” “groundwater reduction plan,” “local government,” “person,” “subsidence,” “sudsidence district,” “system,” “water,” and “well.”

SECTION 1.03. DESCRIPTION OF BOUNDARIES. Sets forth provisions regarding the boundaries of the authority.

SECTION 1.04. FINDINGS RELATIVE TO BOUNDARIES. Sets forth findings relative to the authority’s boundaries.

SECTION 1.05. EXCLUSION OF CERTAIN TERRITORY. Sets forth procedures regarding the exclusion of certain territory within the district.

SECTION 1.06. ANNEXATION. Provides that a municipality’s annexation of territory within the authority has no effect on certain issues.

SECTION 1.07. DESCRIPTION OF DIRECTOR PRECINCTS. Sets forth provisions regarding composition of the authority’s precincts.

SECTION 1.08. APPLICABILITY OF OTHER LAW. Provides that this Act prevails over any inconsistent provision of general law. Provides that this Act does not prevail over or preempt a provision of Chapter 151 (Harris-Galveston Coastal Subsidence District), Water Code, or Chapter 36 (Groundwater Conservation Districts), Water Code, that is being implemented by the subsidence district.

SECTION 1.09. FINDING OF BENEFIT. Sets forth provisions regarding the finding of benefit of the authority.

SECTION 1.10. LIBERAL CONSTRUCTION OF THIS ACT. Requires this Act to be liberally construed in conformity with the purposes stated in this Act.

ARTICLE 2. DIRECTORS

SECTION 2.01. BOARD OF DIRECTORS. Provides that the authority is governed by certain persons. Provides for the terms, qualifications, and eligibility of board members.

SECTION 2.02. METHOD OF APPOINTMENT OF DIRECTORS. Sets forth provisions regarding the method of appointing directors.

SECTION 2.03. VACANCY IN OFFICE OF DIRECTOR. Sets forth certain procedures regarding the appointment process.

SECTION 2.04. INITIAL DIRECTORS. Provides that the initial board consists of certain persons, and provides for their terms of office.

ARTICLE 3. ADMINISTRATIVE PROVISIONS

SECTION 3.01. MEETINGS AND ACTIONS OF BOARD. Authorizes the board to meet at certain times and provides governmental immunity to the board members.

SECTION 3.02. GENERAL MANAGER. Sets forth provisions regarding the employment of a general manager of the authority.

ARTICLE 4. POWERS AND DUTIES

SECTION 4.01. GENERAL POWERS AND DUTIES. Sets forth provisions regarding the general powers and duties of the authority.

SECTION 4.02. AUTHORITY RULES. Authorizes the authority to adopt and enforce certain rules.

SECTION 4.03. FEES, USER FEES, RATES, AND CHARGES. Authorizes the authority to establish certain fees or charges. Requires the board to make reasonable efforts to send districts and municipalities written notice if it intends to adopt a proposed charge and the amount of the proposed charge. Requires the board to perform certain procedures including exempting by rule any classes of wells from certain charges. Prohibits the authority from applying the charge to a certain well.

SECTION 4.04. PURCHASE OF WATER FROM ANOTHER ENTITY. Sets forth provisions regarding the authority purchasing water from another entity.

SECTION 4.05. ASSESSMENTS. Sets forth provisions regarding assessments and necessary procedures by the authority.

SECTION 4.06. INTEREST AND PENALTIES. Authorizes the board to require the payment of interest on certain fees, not to exceed a certain amount, due to the authority.

SECTION 4.07. CIVIL PENALTY; INJUNCTION. Sets forth provisions regarding civil penalties and injunctions.

SECTION 4.08. WATER SUPPLY OR DROUGHT CONTINGENCY PLANS. Sets forth provisions regarding water supply or drought contingency plans for the authority.

SECTION 4.09. GROUNDWATER REDUCTION PLAN. Sets forth provisions regarding a groundwater reduction plan.

SECTION 4.10. ACQUISITION, CONSTRUCTION, AND OPERATION OF SYSTEMS. Authorizes the authority to perform certain procedures.

SECTION 4.11. SALE OR REUSE OF WATER OR BY-PRODUCT. Authorizes the authority to store, sell, or reuse water or any product from the authority's operations.

SECTION 4.12. CONTRACTS. Authorizes the authority to enter into certain contracts for certain purposes.

SECTION 4.13. COOPERATION WITH AND ASSISTANCE OF OTHER GOVERNMENTAL ENTITIES. Authorizes the board to cooperate with and receive assistance from certain entities and to utilize certain studies.

SECTION 4.14. GIFTS AND GRANTS. Authorizes the authority to accept certain gifts or grants for certain purposes.

SECTION 4.15. EXPENDITURES. Sets forth provisions regarding the authority's expenditures.

SECTION 4.16. AD VALOREM TAXATION. Prohibits the authority from imposing an ad valorem tax.

SECTION 4.17. EMINENT DOMAIN. Authorizes the authority to perform certain procedures regarding eminent domain and provides that the authority has the power of eminent domain.

ARTICLE 5. BONDS AND NOTES

SECTION 5.01. REVENUE BONDS AND NOTES. Sets forth provisions regarding revenue bonds and notes issued by the authority.

SECTION 5.02. REFUNDING BONDS. Authorizes the authority to issue refunding bonds and notes to refund any of its bonds or notes in any manner provided by law.

ARTICLE 6. MISCELLANEOUS PROVISIONS

SECTION 6.01. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. Sets forth provisions regarding findings relative to procedural requirements.

SECTION 6.02. EFFECTIVE DATE. Upon passage or September 1, 2001.