

BILL ANALYSIS

Senate Research Center
81R23612 SGA-F

S.B. 2536
By: Patrick, Dan
Natural Resources
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As Filed

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.

As proposed, 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 4.03, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, by adding Subsection (k), as follows:

(k) Authorizes the West Harris County Regional Water Authority (authority) to bring an action to recover from a district, other local government, or other person included in the authority's jurisdiction or groundwater reduction plan any fees, charges, assessments, collection expenses, attorney's fees, interest, or civil or other penalties due to the authority or any amount spent by the authority to enforce the authority's rules or orders. Provides that with respect to a district or other local government, sovereign and governmental immunity from suit and liability is waived for the purpose of adjudicating an action described by this subsection.

SECTION 2. Amends Section 1.08, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Provides that this Act does not prevail over or preempt a provision of Chapter 8801 (Harris-Galveston Subsidence District), Special District Local Laws Code, Chapter 1045 (Relating to creation, administration, powers, duties, and operations of the Fort Bend Subsidence District; providing for civil penalties), Acts of the 71st Legislature, Regular Session, 1989, or Chapter 36 (Groundwater Conservation Districts), Water Code, that is being implemented by a subsidence district, rather than Chapter 151 (Harris-Galveston Coastal Subsidence District [*repealed*]), Water Code, or Chapter 36, Water Code, that is being implemented by the subsidence district.

(c) Provides that Chapter 36, Water Code, does not apply to the authority.

SECTION 3. Provides that all requirements of the constitution and 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 4. Effective date: upon passage or September 1, 2009.