

BILL ANALYSIS

C.S.H.B. 856
By: Callegari
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, approximately 300,000 people receive groundwater from sources within the West Harris County Regional Water Authority ("Authority"). The Authority was created by the 77th Legislature for the purposes, among others, of supplying surface water to certain areas within its boundaries, controlling subsidence, and facilitating compliance with regulations requiring reduction of groundwater pumpage. Amending the Authority's enabling statute will allow the Authority to operate more efficiently.

C.S.H.B. 856 relates primarily to the general powers and authority of the West Harris County Regional Water Authority.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Includes Fort Bend Subsidence District in the definition of "Subsidence District" in section 1.02(10), Chapter 414, Acts of the 77th Legislature, Regular Session, 2001.

SECTION 2. Excludes three municipal utility districts located in Fort Bend County from the Authority's boundaries.

SECTION 3. Specifies that directors' terms expire on May 15 of the fourth year of their term.

SECTION 4. Specifies that Chapter 171, Local Government Code, governs conflicts of interest of board members.

SECTION 5. Clarifies that the Authority board can determine how it utilizes requests for proposals in obtaining services, and that the Authority is not required to adopt administrative policies in addition to those required by Section 49.199, Water Code.

SECTION 6. Provides that the Authority is entitled to reasonable attorney's fees and collection expenses in order to collect delinquent fees, user fees, rates, charges and assessments, and any related penalties and interest owed to the Authority.

Provides that the Authority has a first lien on a water well for unpaid fees and user fees due to the Authority for pumpage from the well, and for any related penalties, interest, collection expenses, and reasonable attorney's fees incurred by the Authority. The Authority's lien is superior to any other lien, except a lien or claim for county, school district, or municipal ad valorem taxes. The Authority's lien is effective from the date the fee is imposed until it is paid.

SECTION 7. Permits the Authority to amend its groundwater reduction plan without the need to adopt a rule, and specifies that the groundwater reduction plan may include the Authority's provision of water. This section also removes a reference to Chapter 151, Water Code.

SECTION 8. Provides that the exclusion of territory in SECTION 2 of the Act does not impair any obligation related to bonds or notes issued by the Authority before the effective date of this

bill and any fees, charges or assessments owed for the excluded territory on the effective date of the bill remain the obligation of the owner of such territory.

EFFECTIVE DATE

C.S.H.B. 856 takes effect immediately if it receives a 2/3rds vote in both chambers, otherwise it takes effect Sept. 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 3. The substitute amends the original version of the bill by eliminating an exclusion from Section 49.052 and 49.072, Water Code.

SECTION 4. The substitute amends the original version of the bill by specifying simply that Chapter 171, Local Government Code, governs conflict of interest of board members.