

BILL ANALYSIS

Senate Research Center
79R12516 QS-F

H.B. 3482
By: Hegar (Armbrister)
Natural Resources
5/20/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 3482 creates the North Fort Bend Water Authority (authority), in Fort Bend and Harris counties, to address the long-term water needs of Fort Bend County. Currently, no water district exists for this area.

The land proposed to be included within the authority is located within Fort Bend County with a small amount of land within Harris County. The Fort Bend County land proposed to be included within the authority is located within Area A of the Fort Bend Subsidence District (district). The 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 water districts through groundwater wells. The district requires major water users (such as water districts) in Area A to convert to alternative water sources at the following rates: 30 percent by the year 2013 and 60 percent by the year 2025. In addition, a combined groundwater reduction plan must be submitted by the affected entities to the district by January 1, 2008.

Creation of the authority would provide a mechanism to prepare a combined groundwater reduction plan for entities within the authority. The authority would be able to provide alternate sources of water, facilitate compliance with district regulations, and reduce groundwater withdrawals. The authority can charge fees, user fees, rates, charges and special assessments to accomplish the purposes for which it was created. The authority cannot levy ad valorem taxes.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the North Fort Bend Water Authority in SECTION 1 (Sections 8813.006, 8813.102, 8813.110, and 8813.112, Special District Local Laws Code) of this bill.

Rulemaking authority is expressly granted to the board of directors of the North Fort Bend Water Authority in SECTION 1 (Sections 8813.056, 8813.103, and 8813.105, Special District Local Laws Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle H, Title 6, Special District Local Laws, by adding Chapter 8813, as follows:

CHAPTER 8813. NORTH FORT BEND WATER AUTHORITY

Sets forth standard language for the creation of the North Fort Bend Water Authority (authority) in Fort Bend and Harris counties. Sets forth standards, procedures, requirements and criteria for:

Creation and boundaries of the authority (Sections 8813.001-8813.008);

Size, composition, election, and terms of the board of directors of the authority (Sections 8813.021-8813.022, 8813.051-8813.059)

Powers and duties of the authority (Sections 8813.101-8813.115); and

General finance provisions and authority to issue bonds and obligations for the district (Sections 8813.116-8813.118, 8813.151).

Authorizes the authority to acquire by condemnation any land, easements, or other property inside and outside the authority's boundaries for certain purposes. Authorizes the authority, when exercising the power of eminent domain, to elect to condemn either the fee simple title or a lesser property interest. Requires the authority to exercise the right of eminent domain in a certain manner. Provides that the authority is not required to give bond for appeal or bond for costs in a condemnation suit or other suit to which it is a party. Provides that the authority is not required to deposit more than the amount of an award in suit. Prohibits the authority from using the power of eminent domain for the condemnation of land for the purpose of acquiring rights to groundwater or the purpose of acquiring water or water rights.

SECTION 2. Sets forth the initial boundaries of the authority.

SECTION 3. Provides that all requirements of the constitution and the 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, 2005.