

BILL ANALYSIS

H.B. 4791
By: Zerwas
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The North Fort Bend Water Authority was created by the legislature in 2005 to deliver surface water to users in its groundwater reduction plan and within its boundaries to bring the users into compliance with Fort Bend Subsidence District regulations. These regulations, which require users to convert from groundwater to surface water, were instituted because the water table in the area has dropped significantly due to groundwater pumpage, and subsidence has become a threat to the community. More than 50 water districts and the city of Fulshear lie within the authority's boundaries.

To comply with the subsidence district groundwater reduction regulations, the authority is delivering, or will be delivering, surface water to dozens of wholesale water customers. Like other water authorities created under the Texas Constitution, the authority is governed by Chapter 49, Water Code, as set forth in its enabling act. This bill clarifies that the authority is not governed by Chapter 36, Water Code, which is the chapter that applies to groundwater conservation districts.

To finance the water infrastructure needed for the conversion to surface water, the authority charges surface water and groundwater pumpage fees to the public and private entities within its boundaries and in its groundwater reduction plan. By converting to surface water, 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 in an attempt to avoid North Fort Bend Water Authority fees or rules.

H.B. 4791 exempts the North Fort Bend Water Authority from application of Chapter 36, Water Code, and authorizes the district to sue certain entities for fees and other money owed to the district.

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

H.B. 4791 amends the Special District Local Laws Code to establish that provisions governing groundwater conservation districts do not apply to the North Fort Bend Water Authority. The bill authorizes the authority to bring an action in a district court against a person, including a district or other political subdivision 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. The bill waives governmental immunity from suit or liability of a district or other political subdivision for the purposes of such an action.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.