

BILL ANALYSIS

S.B. 2514
By: Hegar
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The North Fort Bend Water Authority (authority) was created by the 79th Legislature in 2005, 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 Fort Bend Subsidence District regulations. These subsidence district regulations require users to convert from groundwater to surface water. There are over 50 water districts and one city within the boundaries of the authority.

In order to comply with the subsidence district groundwater reduction regulations, the authority is delivering surface water to dozens of wholesale water customers. Like other water authorities created under Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution, the authority is governed by Chapter 49 (Provisions Applicable to All Districts), Water Code, as set forth in its enabling act. This bill clarifies that the authority is not governed by Chapter 36 (Groundwater Conservation Districts), Water Code.

In order to finance the water infrastructure needed to implement the surface water conversion required by the subsidence district, the authority charges surface water and/or groundwater pumpage fees to the public and private entities within its boundaries and groundwater reduction plan. This bill makes clear that districts and political subdivisions may not claim governmental immunity to avoid authority fees or rules.

S.B. 2514 amends current law relating to the powers of the North Fort Bend 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. Amends Section 8813.007, Special District Local Laws Code, by adding Subsection (c), to provide that Chapter 36 (Groundwater Conservation Districts), Water Code, does not apply to the authority.

SECTION 2. Amends Subchapter C, Chapter 8813, Special District Local Laws Code, by adding Section 8813.120, as follows:

Sec. 8813.120. ACTION AGAINST PERSON, DISTRICT, OR POLITICAL SUBDIVISION. (a) Authorizes the North Fort Bend Water Authority (authority) to bring an action in a district court against a person, including a conservation or reclamation district (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 enforce the authority's rules or orders.

(b) Provides that governmental immunity from suit or liability of a district or other political subdivision is waived for the purposes of an action under this section.

SECTION 3. Provides the effective date of this Act.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.