

BILL ANALYSIS

Senate Research Center

S.B. 2514
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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.

As proposed, S.B. 2514 amends current law relating to the powers of the North Fort Bend Water 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 8813.103, Special District Local Laws Code, by adding Subsection (i), to authorize the North Fort Bend Water Authority (authority) to bring an action for the purpose of recovering from a person, district, or local government included in the authority's boundaries or in the authority's groundwater reduction plan any fees, rates, charges, assessments, collection expenses, attorney's fees, interest, penalties, or civil penalties due the authority or to enforce the authority's rules or orders. Provides that with respect to a district or local government, sovereign and governmental immunity from suit and liability is waived for purposes of adjudicating an action described in this subsection.

SECTION 2. 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 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.