

## **BILL ANALYSIS**

S.B. 2536  
By: Patrick, Dan  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The West Harris County Regional Water Authority (the "Authority") was created by the Legislature in 2001 to deliver surface water to users within its boundaries to facilitate users' compliance with Harris-Galveston Subsidence District regulations requiring conversion from groundwater use to surface water use. These regulations were adopted by the Subsidence District because the water table in Harris-Galveston county area had dropped significantly due to excessive groundwater pumpage, resulting in the problem of subsidence. There are over 120 water districts and one city within the boundaries of the Authority.

As part of its function, the Authority charges surface water and/or groundwater pumpage fees to public and private entities within its boundaries. The Authority does not have taxing authority. These fees help finance the water infrastructure needed to implement the surface water conversion required by the Subsidence District. S.B. 2536 clarifies that districts and political subdivisions may not claim governmental immunity to try and avoid the Authority's fees or rules.

S.B. 2536 also clarifies that the Authority is not governed by Chapter 36, Water Code, which applies to groundwater conservation district. This clarification draws an important districting between the Authority, which delivers water for wholesale water customers to assist with groundwater reduction regulations, and groundwater conservation districts, which regulate groundwater pumpage. The bill also exempts the Authority from certain requirements relating to the disqualification of water district directors, and from certain notice requirements required of water districts with taxing authority, which the Authority does not possess.

### **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 4.01(d), Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, to provide that the West Harris County Water Authority (the "Authority") is exempt from Chapter 36, Water Code, governing groundwater conservation districts. The bill provides that the Authority is exempt from requirements of Section 49.052, Water Code, relating to the disqualification of district directors. The bill also exempts the Authority, which does not levy ad valorem taxes, from Section 49.451-49.455, Water Code, regarding certain notice requirements for districts with taxing authority.

SECTION 2. Amends the heading to Section 4.07, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, to include reference to civil actions.

SECTION 3. Amends Section 4.07, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, to authorize the Authority to bring an action in a district court against a district, other political subdivision, or other person located within the Authority to recover any fees, rates, charges, assessments, collection expenses, attorney's fees, interest, or civil or other penalties due to the Authority; or to enforce its rules or orders. The bill provides that a district's or political subdivision's governmental immunity from suit or liability is waived for the purpose of adjudicating an action by the Authority.

SECTION 4. 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.