

BILL ANALYSIS

Senate Research Center
82R4350 KYF-F

H.B. 960
By: Turner (Whitmire)
Natural Resources
5/6/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As part of its function, the Central Harris County Regional Water Authority (authority) charges surface water and groundwater pumpage fees to public and private entities within its boundaries. The authority does not have taxing authority, and these fees help finance the water infrastructure needed to implement the surface water conversion requirements of the Harris-Galveston Subsidence District.

H.B. 960 seeks to ensure that the districts and political subdivisions pay applicable fees by waiving the governmental immunity of such entities from suit or liability for the purposes of an action by the authority. The bill also intends to clarify that certain provisions of law relating to groundwater conservation districts and water districts with taxing authority are inapplicable to the authority, which is not a groundwater district and does not have taxing authority.

H.B. 960 amends current law relating to the powers of the Central Harris County Regional 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 8815.101(b), Special District Local Laws Code, as follows:

(b) Provides that the following laws do not apply to the Central Harris County Regional Water Authority (authority):

- (1) Chapter 36 (Groundwater Conservation Districts), Water Code;
- (2) Section 49.052 (Disqualification of Directors), Water Code; and
- (3) Sections 49.451, 49.452, 49.453, 49.454, and 49.455, Water Code.

Deletes existing text providing that Sections 49.451 (Posting Signs in the District), 49.452 (Notice to Purchasers), 49.453 (Notice Form From District), 49.454 (Notice of Unpaid Standby Fees), and 49.455 (Filing Information), Water Code, do not apply to the authority.

SECTION 2. Amends the heading to Section 8815.107, Special District Local Laws Code, to read as follows:

Sec. 8815.107. ADMINISTRATIVE PENALTY; CIVIL ACTION; INJUNCTION.

SECTION 3. Amends Section 8815.107, Special District Local Laws Code, by amending Subsection (b) and adding Subsection (e), as follows:

(b) Authorizes the authority to bring an action in a district court against a member district or other district, other political subdivision, or other person 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, rather than to recover the penalty in a district court in the county where the violation occurred.

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

SECTION 4. Effective date: upon passage or September 1, 2011.