

SUBJECT: Administration of the West Harris County Regional Water Authority

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 8 ayes — Puente, Callegari, Campbell, Geren, Hardcastle, Hilderbran, Hope, Laney

0 nays

1 absent — Bonnen

SENATE VOTE: On final passage, April 14 — 31-0, on Local and Uncontested Calendar

WITNESSES: *(On House companion bill, HB 856 by Callegari:)*
For — Joe B. Allen, George Rush, West Harris County Regional Water Authority

Against — None

BACKGROUND: In 2001, the 77th Legislature created the West Harris County Regional Water Authority (WHCRWA), which is governed by a board of nine directors.

Local Government Code, ch. 171 governs conflicts of interest of municipal, county, and other local government officers.

Water Code, sec. 49.199 governs the policies and audits of natural resources conservation and reclamation districts.

DIGEST: SB 363 would exclude territory contained within three municipal utility districts on December 20, 2004, from the WHCRWA. The excluded MUDs would be:

- Harris-Fort Bend Counties Municipal Utility District No. 1;
- Harris-Fort Bend Counties Municipal Utility District No. 5; and
- Fort Bend County Municipal Utility District No. 30.

Each director's term on the WHCRWA board would expire on May 15 of

the fourth year after the year of appointment. Conflicts of interest of board members would be governed by Local Government Code, ch. 171.

The board could adopt policies governing requests for proposals. The authority would not be required to adopt administrative policies beyond those required by Water Code, sec. 49.199.

The WHCRWA could collect expenses and attorney's fees incurred in collecting delinquent fees and any related penalties and interest. Fees, including related penalties, interest, collection expenses, and attorney's fees, would be a first lien against a water well to which the fees applied. The fees would be superior to any other lien for county, school district, or municipal taxes and would be the liability of the well owner. A lien would be effective from the date the fee was imposed until paid and could be enforced in the same manner that an ad valorem tax lien against property was enforced.

The bill would expand the definition of subsidence district in the WHCRWA statutes to include the Fort Bend County Subsidence District in addition to the Harris-Galveston Coastal Subsidence District. Irrespective of whether the WHCRWA held any well permit issued by a subsidence district, the authority could take part in, develop, or enforce a groundwater reduction plan.

Bonds and notes issued by the authority prior to this bill's enactment would be governed by the law as it existed before this bill was enacted. Any fees or other charges owed to the WHCRWA on the bill's effective date by a property owner excluded from the authority by the bill would remain the obligation of the owner.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

By clarifying the boundaries of the WHCRWA and improving the administration of the authority, SB 363 would allow the WHCRWA more effectively to provide surface water to users within its boundaries, thereby reducing groundwater pumpage within areas affected by subsidence. The bill introduces important provisions governing board member conflicts of interest and would provide the WHCRWA with a mechanism to collect delinquent fees through a lien against a well.

OPPONENTS
SAY: No apparent opposition.

NOTES: The companion bill, HB 856 by Callegari, passed the House on April 19 and was reported favorably, without amendment, by the Senate Natural Resources Committee on May 13 and recommended for the Senate Local and Uncontested Calendar.