

1-1 By: Callegari (Senate Sponsor - Lindsay) H.B. No. 856
1-2 (In the Senate - Received from the House April 20, 2005;
1-3 April 21, 2005, read first time and referred to Committee on
1-4 Natural Resources; May 13, 2005, reported favorably by the
1-5 following vote: Yeas 8, Nays 0; May 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the general powers, authority, and directors of the
1-9 West Harris County Regional Water Authority.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1.02(10), Chapter 414, Acts of the 77th
1-12 Legislature, Regular Session, 2001, is amended to read as follows:

1-13 (10) "Subsidence district" means the Harris-Galveston
1-14 Coastal Subsidence District or the Fort Bend Subsidence District.

1-15 SECTION 2. Chapter 414, Acts of the 77th Legislature,
1-16 Regular Session, 2001, is amended by adding Section 1.035 to read as
1-17 follows:

1-18 Sec. 1.035. CHANGE IN BOUNDARIES. The territory contained
1-19 on December 20, 2004, within the boundaries of the following
1-20 districts is excluded from the authority:

1-21 (1) Harris-Fort Bend Counties Municipal Utility
1-22 District No. 1;

1-23 (2) Harris-Fort Bend Counties Municipal Utility
1-24 District No. 5; and

1-25 (3) Fort Bend County Municipal Utility District No.
1-26 30.

1-27 SECTION 3. Section 2.01, Chapter 414, Acts of the 77th
1-28 Legislature, Regular Session, 2001, is amended by adding Subsection
1-29 (b-1) to read as follows:

1-30 (b-1) Each director's term expires on May 15 of the fourth
1-31 year after the year in which the director was appointed.

1-32 SECTION 4. Chapter 414, Acts of the 77th Legislature,
1-33 Regular Session, 2001, is amended by adding Section 2.015 to read as
1-34 follows:

1-35 Sec. 2.015. CONFLICTS OF INTEREST. Chapter 171, Local
1-36 Government Code, governs conflicts of interest of board members.

1-37 SECTION 5. Chapter 414, Acts of the 77th Legislature,
1-38 Regular Session, 2001, is amended by adding Sections 4.015 and
1-39 4.016 to read as follows:

1-40 Sec. 4.015. REQUESTS FOR PROPOSALS. The board may adopt
1-41 policies establishing whether, when, and how the authority uses
1-42 requests for proposals in obtaining services, including
1-43 professional services.

1-44 Sec. 4.016. ADDITIONAL ADMINISTRATIVE POLICIES. The
1-45 authority is not required to adopt administrative policies in
1-46 addition to those required by Section 49.199, Water Code.

1-47 SECTION 6. Section 4.03, Chapter 414, Acts of the 77th
1-48 Legislature, Regular Session, 2001, is amended by adding
1-49 Subsections (h)-(j) to read as follows:

1-50 (h) The authority is entitled to collection expenses and
1-51 reasonable attorney's fees incurred by the authority in collecting
1-52 any delinquent fees, user fees, rates, charges, and assessments,
1-53 and any related penalties and interest.

1-54 (i) Fees and user fees imposed by the authority under
1-55 Subsection (b), and any related penalties, interest, collection
1-56 expenses, and reasonable attorney's fees incurred by the authority:

1-57 (1) are a first and prior lien against the well to
1-58 which the fees or user fees apply;

1-59 (2) are superior to any other lien or claim other than
1-60 a lien or claim for county, school district, or municipal ad valorem
1-61 taxes; and

1-62 (3) are the personal liability of and a charge against
1-63 the owner of the well.

1-64 (j) A lien under Subsection (i) is effective from the date

2-1 of the resolution or order of the board imposing the fee or user fee
2-2 until the fee or user fee is paid. The board may enforce the lien in
2-3 the same manner that a municipal utility district operating under
2-4 Chapter 54, Water Code, may enforce an ad valorem tax lien against
2-5 real property.

2-6 SECTION 7. Section 4.09(a), Chapter 414, Acts of the 77th
2-7 Legislature, Regular Session, 2001, is amended to read as follows:

2-8 (a) Notwithstanding any other law, irrespective of whether
2-9 the authority enters into contracts with local governments located
2-10 within its boundaries, and irrespective of whether the authority
2-11 holds any well permit issued by the subsidence district [~~under~~
2-12 ~~Chapter 151, Water Code~~], the authority [~~by rule~~] may, in whole or
2-13 in part, develop, prepare, revise, adopt, implement, enforce,
2-14 manage, or participate in a groundwater reduction plan that is
2-15 applicable only to the authority or a groundwater reduction plan
2-16 that is applicable to the authority and one or more persons outside
2-17 the authority. The authority may require that any groundwater
2-18 reduction plan that the authority, in whole or in part, develops,
2-19 prepares, revises, adopts, implements, enforces, or manages or in
2-20 which the authority participates be the exclusive groundwater
2-21 reduction plan that is binding and mandatory on some or all of the
2-22 territory, persons, or wells located within the authority. A
2-23 groundwater reduction plan may:

2-24 (1) specify the measures to be taken to reduce
2-25 groundwater withdrawals;

2-26 (2) identify alternative sources of water to be
2-27 provided to those affected;

2-28 (3) identify the rates, terms, and conditions under
2-29 which alternative sources of water will be provided, which may be
2-30 changed from time to time as considered necessary by the authority;

2-31 (4) specify the dates and extent to which persons or
2-32 districts within the authority's boundaries shall reduce or cease
2-33 reliance on groundwater and accept water from alternative sources,
2-34 including water from the authority;

2-35 (5) include other terms and measures that are
2-36 consistent with the powers and duties of the authority;

2-37 (6) exceed the minimum requirements imposed by the
2-38 subsidence district, including any applicable groundwater
2-39 reduction requirements; and

2-40 (7) be amended from time to time at the discretion of
2-41 the authority.

2-42 SECTION 8. The change in law made by Section 1.035, Chapter
2-43 414, Acts of the 77th Legislature, Regular Session, 2001, as added
2-44 by this Act, does not impair any obligation related to bonds or
2-45 notes issued by the West Harris County Regional Water Authority
2-46 before the effective date of this Act. All outstanding bonds and
2-47 notes validly issued by the authority remain valid, enforceable,
2-48 and binding and shall be paid in full, both principal and interest,
2-49 in accordance with their terms and from the sources pledged to the
2-50 payment of the bonds or notes. Any fees, assessments, or other
2-51 charges owed to the West Harris County Regional Water Authority on
2-52 the effective date of this Act by an owner of property excluded from
2-53 the authority by this Act remain the obligation of the owner.

2-54 SECTION 9. This Act takes effect immediately if it receives
2-55 a vote of two-thirds of all the members elected to each house, as
2-56 provided by Section 39, Article III, Texas Constitution. If this
2-57 Act does not receive the vote necessary for immediate effect, this
2-58 Act takes effect September 1, 2005.

2-59 * * * * *