

By: Lindsay

S.B. No. 331

A BILL TO BE ENTITLED

AN ACT

relating to the North Harris County Regional Water Authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (c), Section 2.02, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended to read as follows:

(c) In the manner described by Section 49.103(d), Water Code, the board shall redraw the single-member voting districts [~~as required by law~~] as soon as practicable after[+]

[~~(1)~~] each federal decennial census[+] and as otherwise required by law

[~~(2) any change in the boundaries of the authority which increases the total area of the authority by more than 20 percent~~].

SECTION 2. Section 4.10, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended by adding Subsections (e) through (j) to read as follows:

(e) The authority may expedite the financing and construction of all or part of a surface water delivery system, or such other activities as are within the power of the authority, as necessary to accomplish the conversion to groundwater before any time required by the subsidence district or as determined by the board to be in the interest of the authority or one or more districts inside or outside the authority.

1 (f) Except to the extent expressly prohibited by any statute
2 administered by the commission, the commission shall cooperate with
3 and assist the authority to the maximum extent possible to
4 accomplish the development of a surface water delivery system, and
5 projects to which Subsection (e) of this section applies, within
6 the time frame determined by the authority. In this section,
7 "surface water delivery system" includes facilities that:

8 (1) may be used temporarily or permanently to
9 transport groundwater between utility districts, if in the future
10 such facilities will in reasonable probability become part of a
11 surface water delivery system; or

12 (2) are necessary or convenient to a purpose within
13 the power of the authority to undertake, such as the management of
14 water, water conservation, and water reuse.

15 (g)(1) In carrying out its duties under Subsection (f) of
16 this section, the commission may grant conditional approval of
17 construction projects of the authority, or waive the requirements
18 of any commission rule or statute administered by the commission,
19 if such conditional approval or waiver will not compromise the
20 public health or safety. The authority bears the risk of conforming
21 the construction of any project which is granted conditional
22 approval or for which a waiver has been granted under this
23 subsection if changes in the construction become necessary to
24 protect the public health or safety as determined by the
25 commission.

26 (2) The commission may not require the authority to
27 tender contracts between the authority and any other person as a

1 precondition of approving any construction project of the
2 authority. If the commission by rule requires contracts of other
3 entities before approving a construction project of such entities,
4 the authority may address by regulation the subject matters that
5 would otherwise be required by commission rule to be addressed by
6 such contracts. A regulation adopted by the authority under this
7 section shall serve for all purposes to satisfy the commission's
8 rules that would otherwise be satisfied by contractual provisions.
9 The regulations may allocate responsibilities between the
10 authority and a district or person within the boundaries of the
11 authority as needed to satisfy the commission's rules relating to
12 the construction or operation of all or part of a surface water
13 delivery system or any project that is necessary or convenient to
14 manage water within the authority and that the authority has the
15 power to undertake.

16 (h) The commission and the authority may enter into a
17 memorandum of understanding. The memorandum of understanding may:

18 (1) establish standard procedures for processing
19 construction projects of the authority for final or conditional
20 approval;

21 (2) establish standing waivers or conditions
22 applicable to projects of the authority;

23 (3) delegate powers to the authority to carry out any
24 duty of the commission related to any activity that the authority
25 has the power to undertake;

26 (4) set standards to be met by construction or other
27 projects of the authority; or

1 (5) address any other matter that it is necessary or
2 convenient for the parties to address and that relates to an
3 activity that the authority has the power to undertake and the
4 commission has the power to regulate or assist.

5 (i) To comply with commission rules that would otherwise
6 require the authority to state specific amounts of water that may or
7 will be provided to another entity receiving water from the
8 authority, the authority may state the amounts in ranges, and those
9 ranges may be changed by the authority if the commission is promptly
10 notified of the change.

11 (j) The provisions of Subsections (e)-(i) of this section
12 prevail over any other law or commission rule, including any other
13 provision of this Act.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2005.