

1-1 By: Lindsay S.B. No. 331
1-2 (In the Senate - Filed February 2, 2005; February 7, 2005,
1-3 read first time and referred to Committee on Natural Resources;
1-4 April 6, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 6, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 331 By: Lindsay
1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the North Harris County Regional Water Authority.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Subsection (c), Section 2.02, Chapter 1029, Acts
1-13 of the 76th Legislature, Regular Session, 1999, is amended to read
1-14 as follows:
1-15 (c) In the manner described by Section 49.103(d), Water
1-16 Code, the board shall redraw the single-member voting districts [~~as~~
1-17 ~~required by law~~] as soon as practicable after[+] and
1-18 [(-)] each federal decennial census[+] and as
1-19 otherwise required by law
1-20 [(-) any change in the boundaries of the authority
1-21 which increases the total area of the authority by more than 20
1-22 percent].
1-23 SECTION 2. Section 4.10, Chapter 1029, Acts of the 76th
1-24 Legislature, Regular Session, 1999, is amended by adding
1-25 Subsections (e) through (j) to read as follows:
1-26 (e) The authority may expedite the financing and
1-27 construction of all or part of a surface water delivery system, or
1-28 such other activities as are within the power of the authority, as
1-29 necessary to accomplish the conversion to surface water before any
1-30 time required by the subsidence district or as determined by the
1-31 board to be in the interest of the authority or one or more
1-32 districts inside or outside the authority.
1-33 (f) Except to the extent expressly prohibited by any statute
1-34 administered by the commission, the commission shall cooperate with
1-35 and assist the authority to the maximum extent possible to
1-36 accomplish the development of a surface water delivery system, and
1-37 projects to which Subsection (e) of this section applies, within
1-38 the time frame determined by the authority. In this section,
1-39 "surface water delivery system" includes facilities that:
1-40 (1) may be used temporarily or permanently to
1-41 transport groundwater between utility districts, if in the future
1-42 such facilities will in reasonable probability become part of a
1-43 surface water delivery system; or
1-44 (2) are necessary or convenient to a purpose within
1-45 the power of the authority to undertake, such as the management of
1-46 water, water conservation, and water reuse.
1-47 (g) (1) In carrying out its duties under Subsection (f) of
1-48 this section, the commission may grant conditional approval of
1-49 construction projects of the authority, or waive the requirements
1-50 of any commission rule or statute administered by the commission,
1-51 if such conditional approval or waiver will not compromise the
1-52 public health or safety. The authority bears the risk of conforming
1-53 the construction of any project which is granted conditional
1-54 approval or for which a waiver has been granted under this
1-55 subsection if changes in the construction become necessary to
1-56 protect the public health or safety as determined by the
1-57 commission.
1-58 (2) The commission may not require the authority to
1-59 tender contracts between the authority and any other person as a
1-60 precondition of approving any construction project of the
1-61 authority. If the commission by rule requires contracts of other
1-62 entities before approving a construction project of such entities,
1-63 the authority may address by regulation the subject matters that

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

2-12 (h) The commission and the authority may enter into a
2-13 memorandum of understanding. The memorandum of understanding may:

2-14 (1) establish standard procedures for processing
2-15 construction projects of the authority for final or conditional
2-16 approval;

2-17 (2) establish standing waivers or conditions
2-18 applicable to projects of the authority;

2-19 (3) delegate powers to the authority to carry out any
2-20 duty of the commission related to any activity that the authority
2-21 has the power to undertake;

2-22 (4) set standards to be met by construction or other
2-23 projects of the authority; or

2-24 (5) address any other matter that it is necessary or
2-25 convenient for the parties to address and that relates to an
2-26 activity that the authority has the power to undertake and the
2-27 commission has the power to regulate or assist.

2-28 (i) To comply with commission rules that would otherwise
2-29 require the authority to state specific amounts of water that may or
2-30 will be provided to another entity receiving water from the
2-31 authority, the authority may state the amounts in ranges, and those
2-32 ranges may be changed by the authority if the commission is promptly
2-33 notified of the change.

2-34 (j) The provisions of Subsections (e)-(i) of this section
2-35 prevail over any other law or commission rule, including any other
2-36 provision of this Act.

2-37 SECTION 3. This Act takes effect immediately if it receives
2-38 a vote of two-thirds of all the members elected to each house, as
2-39 provided by Section 39, Article III, Texas Constitution. If this
2-40 Act does not receive the vote necessary for immediate effect, this
2-41 Act takes effect September 1, 2005.

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