

By: Lindsay

S.B. No. 363

A BILL TO BE ENTITLED

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AN ACT

relating to the general powers, authority, and boundaries and to the directors of the West Harris County Regional Water Authority; providing penalties.

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

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

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

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

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

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

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

(3) Fort Bend County Municipal Utility District No. 30.

SECTION 3. Section 2.01, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Subsection

1 (b-1) to read as follows:

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

4 SECTION 4. Chapter 414, Acts of the 77th Legislature,  
5 Regular Session, 2001, is amended by adding Section 2.015 to read as  
6 follows:

7 Sec. 2.015. CONFLICTS OF INTEREST. Chapter 171, Local  
8 Government Code, governs conflicts of interest of board members.

9 SECTION 5. Chapter 414, Acts of the 77th Legislature,  
10 Regular Session, 2001, is amended by adding Sections 4.015 and  
11 4.016 to read as follows:

12 Sec. 4.015. REQUESTS FOR PROPOSALS. The board may adopt  
13 policies establishing whether, when, and how the authority uses  
14 requests for proposals in obtaining services, including  
15 professional services.

16 Sec. 4.016. ADDITIONAL ADMINISTRATIVE POLICIES. The  
17 authority is not required to adopt administrative policies in  
18 addition to those required by Section 49.199, Water Code.

19 SECTION 6. Section 4.03, Chapter 414, Acts of the 77th  
20 Legislature, Regular Session, 2001, is amended by adding  
21 Subsections (h), (i), and (j) to read as follows:

22 (h) The authority is entitled to collection expenses and  
23 reasonable attorney's fees incurred by the authority in collecting  
24 any delinquent fees, user fees, rates, charges, and assessments,  
25 and any related penalties and interest.

26 (i) Fees and user fees imposed by the authority under  
27 Subsection (b), and any related penalties, interest, collection

1 expenses, and reasonable attorney's fees incurred by the authority:

2 (1) are a first and prior lien against the well to  
3 which the fees or user fees apply;

4 (2) are superior to any other lien or claim other than  
5 a lien or claim for county, school district, or municipal ad valorem  
6 taxes; and

7 (3) are the personal liability of and a charge against  
8 the owner of the well.

9 (j) A lien under Subsection (i) is effective from the date  
10 of the resolution or order of the board imposing the fee or user fee  
11 until the fee or user fee is paid. The board may enforce the lien in  
12 the same manner that a municipal utility district operating under  
13 Chapter 54, Water Code, may enforce an ad valorem tax lien against  
14 real property.

15 SECTION 7. Subsection (a), Section 4.09, Chapter 414, Acts  
16 of the 77th Legislature, Regular Session, 2001, is amended to read  
17 as follows:

18 (a) Notwithstanding any other law, irrespective of whether  
19 the authority enters into contracts with local governments located  
20 within its boundaries, and irrespective of whether the authority  
21 holds any well permit issued by the subsidence district [~~under~~  
22 ~~Chapter 151, Water Code~~], the authority [~~by rule~~] may, in whole or  
23 in part, develop, prepare, revise, adopt, implement, enforce,  
24 manage, or participate in a groundwater reduction plan that is  
25 applicable only to the authority or a groundwater reduction plan  
26 that is applicable to the authority and one or more persons outside  
27 the authority. The authority may require that any groundwater

1 reduction plan that the authority, in whole or in part, develops,  
2 prepares, revises, adopts, implements, enforces, or manages or in  
3 which the authority participates be the exclusive groundwater  
4 reduction plan that is binding and mandatory on some or all of the  
5 territory, persons, or wells located within the authority. A  
6 groundwater reduction plan may:

7 (1) specify the measures to be taken to reduce  
8 groundwater withdrawals;

9 (2) identify alternative sources of water to be  
10 provided to those affected;

11 (3) identify the rates, terms, and conditions under  
12 which alternative sources of water will be provided, which may be  
13 changed from time to time as considered necessary by the authority;

14 (4) specify the dates and extent to which persons or  
15 districts within the authority's boundaries shall reduce or cease  
16 reliance on groundwater and accept water from alternative sources,  
17 including water from the authority;

18 (5) include other terms and measures that are  
19 consistent with the powers and duties of the authority;

20 (6) exceed the minimum requirements imposed by the  
21 subsidence district, including any applicable groundwater  
22 reduction requirements; and

23 (7) be amended from time to time at the discretion of  
24 the authority.

25 SECTION 8. The change in law made by Section 1.035, Chapter  
26 414, Acts of the 77th Legislature, Regular Session, 2001, as added  
27 by this Act, does not impair any obligation related to bonds or

1 notes issued by the West Harris County Regional Water Authority  
2 before the effective date of this Act. All outstanding bonds and  
3 notes validly issued by the authority remain valid, enforceable,  
4 and binding and shall be paid in full, both principal and interest,  
5 in accordance with their terms and from the sources pledged to the  
6 payment of the bonds or notes. Any fees, assessments, or other  
7 charges owed to the West Harris County Regional Water Authority on  
8 the effective date of this Act by an owner of property excluded from  
9 the authority by this Act remain the obligation of the owner.

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