

By: Lindsay

S.B. No. 363

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 1.02(10), 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 Subsections (b-1) and (h) to read as follows:

(b-1) Each director's term expires on May 15 of the fourth

1 year after the year in which the director was appointed.

2 (h) Sections 49.052 and 49.072, Water Code, do not apply to
3 the authority.

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. (a) Except as provided
8 by this section:

9 (1) a director may participate in all board votes and
10 decisions; and

11 (2) Chapter 171, Local Government Code, governs
12 conflicts of interest of board members.

13 (b) Section 171.004, Local Government Code, does not apply
14 to the authority.

15 (c) A director who has a substantial interest in a business
16 entity that will receive a pecuniary benefit from a board action
17 must file a one-time affidavit with the board secretary declaring
18 the interest. An additional affidavit is not required if the
19 director's interest changes. After the affidavit is filed, the
20 director may participate in a discussion or vote on an action if:

21 (1) a majority of the directors have a similar
22 interest in the same entity; or

23 (2) all other similar business entities in the
24 authority will receive a similar pecuniary benefit.

25 SECTION 5. Chapter 414, Acts of the 77th Legislature,
26 Regular Session, 2001, is amended by adding Sections 4.015 and
27 4.016 to read as follows:

1 Sec. 4.015. REQUESTS FOR PROPOSALS. The board may adopt
2 policies establishing whether, when, and how the authority uses
3 requests for proposals in obtaining services, including
4 professional services.

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

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

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

15 (i) Fees and user fees imposed by the authority under
16 Section 4.03(b), and any related penalties, interest, collection
17 expenses, and reasonable attorney's fees incurred by the authority:

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

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

23 (3) are the personal liability of and a charge against
24 the owner of the well.

25 (j) A lien under Subsection (i) is effective from the date
26 of the resolution or order of the board imposing the fee or user fee
27 until the fee or user fee is paid. The board may enforce the lien in

1 the same manner that a municipal utility district operating under
2 Chapter 54, Water Code, may enforce an ad valorem tax lien against
3 real property.

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

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

22 (1) specify the measures to be taken to reduce
23 groundwater withdrawals;

24 (2) identify alternative sources of water to be
25 provided to those affected;

26 (3) identify the rates, terms, and conditions under
27 which alternative sources of water will be provided, which may be

1 changed from time to time as considered necessary by the authority;

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

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

8 (6) exceed the minimum requirements imposed by the
9 subsidence district, including any applicable groundwater
10 reduction requirements; and

11 (7) be amended from time to time at the discretion of
12 the authority.

13 SECTION 8. The change in law made by Section 1.035, Chapter
14 414, Acts of the 77th Legislature, Regular Session, 2001, as added
15 by this Act, does not impair any obligation related to bonds or
16 notes issued by the West Harris County Regional Water Authority
17 before the effective date of this Act. All outstanding bonds and
18 notes validly issued by the authority remain valid, enforceable,
19 and binding and shall be paid in full, both principal and interest,
20 in accordance with their terms and from the sources pledged to the
21 payment of the bonds or notes. Any fees, assessments, or other
22 charges owed to the West Harris County Regional Water Authority on
23 the effective date of this Act by an owner of property excluded from
24 the authority by this Act remain the obligation of the owner.

25 SECTION 9. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.