

1-1 By: Lindsay S.B. No. 363  
1-2 (In the Senate - Filed February 7, 2005; February 15, 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. 363 By: Lindsay

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the general powers, authority, and boundaries and to  
1-11 the directors of the West Harris County Regional Water Authority;  
1-12 providing penalties.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subdivision (10), Section 1.02, Chapter 414,  
1-15 Acts of the 77th Legislature, Regular Session, 2001, is amended to  
1-16 read as follows:

1-17 (10) "Subsidence district" means the Harris-Galveston  
1-18 Coastal Subsidence District or the Fort Bend Subsidence District.

1-19 SECTION 2. Chapter 414, Acts of the 77th Legislature,  
1-20 Regular Session, 2001, is amended by adding Section 1.035 to read as  
1-21 follows:

1-22 Sec. 1.035. CHANGE IN BOUNDARIES. The territory contained  
1-23 on December 20, 2004, within the boundaries of the following  
1-24 districts is excluded from the authority:

1-25 (1) Harris-Fort Bend Counties Municipal Utility  
1-26 District No. 1;

1-27 (2) Harris-Fort Bend Counties Municipal Utility  
1-28 District No. 5; and

1-29 (3) Fort Bend County Municipal Utility District No.  
1-30 30.

1-31 SECTION 3. Section 2.01, Chapter 414, Acts of the 77th  
1-32 Legislature, Regular Session, 2001, is amended by adding Subsection  
1-33 (b-1) to read as follows:

1-34 (b-1) Each director's term expires on May 15 of the fourth  
1-35 year after the year in which the director was appointed.

1-36 SECTION 4. Chapter 414, Acts of the 77th Legislature,  
1-37 Regular Session, 2001, is amended by adding Section 2.015 to read as  
1-38 follows:

1-39 Sec. 2.015. CONFLICTS OF INTEREST. Chapter 171, Local  
1-40 Government Code, governs conflicts of interest of board members.

1-41 SECTION 5. Chapter 414, Acts of the 77th Legislature,  
1-42 Regular Session, 2001, is amended by adding Sections 4.015 and  
1-43 4.016 to read as follows:

1-44 Sec. 4.015. REQUESTS FOR PROPOSALS. The board may adopt  
1-45 policies establishing whether, when, and how the authority uses  
1-46 requests for proposals in obtaining services, including  
1-47 professional services.

1-48 Sec. 4.016. ADDITIONAL ADMINISTRATIVE POLICIES. The  
1-49 authority is not required to adopt administrative policies in  
1-50 addition to those required by Section 49.199, Water Code.

1-51 SECTION 6. Section 4.03, Chapter 414, Acts of the 77th  
1-52 Legislature, Regular Session, 2001, is amended by adding  
1-53 Subsections (h), (i), and (j) to read as follows:

1-54 (h) The authority is entitled to collection expenses and  
1-55 reasonable attorney's fees incurred by the authority in collecting  
1-56 any delinquent fees, user fees, rates, charges, and assessments,  
1-57 and any related penalties and interest.

1-58 (i) Fees and user fees imposed by the authority under  
1-59 Subsection (b), and any related penalties, interest, collection  
1-60 expenses, and reasonable attorney's fees incurred by the authority:

1-61 (1) are a first and prior lien against the well to  
1-62 which the fees or user fees apply;

1-63 (2) are superior to any other lien or claim other than

2-1 a lien or claim for county, school district, or municipal ad valorem  
2-2 taxes; and

2-3 (3) are the personal liability of and a charge against  
2-4 the owner of the well.

2-5 (j) A lien under Subsection (i) is effective from the date  
2-6 of the resolution or order of the board imposing the fee or user fee  
2-7 until the fee or user fee is paid. The board may enforce the lien in  
2-8 the same manner that a municipal utility district operating under  
2-9 Chapter 54, Water Code, may enforce an ad valorem tax lien against  
2-10 real property.

2-11 SECTION 7. Subsection (a), Section 4.09, Chapter 414, Acts  
2-12 of the 77th Legislature, Regular Session, 2001, is amended to read  
2-13 as follows:

2-14 (a) Notwithstanding any other law, irrespective of whether  
2-15 the authority enters into contracts with local governments located  
2-16 within its boundaries, and irrespective of whether the authority  
2-17 holds any well permit issued by the subsidence district [~~under~~  
2-18 ~~Chapter 151, Water Code~~], the authority [~~by rule~~] may, in whole or  
2-19 in part, develop, prepare, revise, adopt, implement, enforce,  
2-20 manage, or participate in a groundwater reduction plan that is  
2-21 applicable only to the authority or a groundwater reduction plan  
2-22 that is applicable to the authority and one or more persons outside  
2-23 the authority. The authority may require that any groundwater  
2-24 reduction plan that the authority, in whole or in part, develops,  
2-25 prepares, revises, adopts, implements, enforces, or manages or in  
2-26 which the authority participates be the exclusive groundwater  
2-27 reduction plan that is binding and mandatory on some or all of the  
2-28 territory, persons, or wells located within the authority. A  
2-29 groundwater reduction plan may:

2-30 (1) specify the measures to be taken to reduce  
2-31 groundwater withdrawals;

2-32 (2) identify alternative sources of water to be  
2-33 provided to those affected;

2-34 (3) identify the rates, terms, and conditions under  
2-35 which alternative sources of water will be provided, which may be  
2-36 changed from time to time as considered necessary by the authority;

2-37 (4) specify the dates and extent to which persons or  
2-38 districts within the authority's boundaries shall reduce or cease  
2-39 reliance on groundwater and accept water from alternative sources,  
2-40 including water from the authority;

2-41 (5) include other terms and measures that are  
2-42 consistent with the powers and duties of the authority;

2-43 (6) exceed the minimum requirements imposed by the  
2-44 subsidence district, including any applicable groundwater  
2-45 reduction requirements; and

2-46 (7) be amended from time to time at the discretion of  
2-47 the authority.

2-48 SECTION 8. The change in law made by Section 1.035, Chapter  
2-49 414, Acts of the 77th Legislature, Regular Session, 2001, as added  
2-50 by this Act, does not impair any obligation related to bonds or  
2-51 notes issued by the West Harris County Regional Water Authority  
2-52 before the effective date of this Act. All outstanding bonds and  
2-53 notes validly issued by the authority remain valid, enforceable,  
2-54 and binding and shall be paid in full, both principal and interest,  
2-55 in accordance with their terms and from the sources pledged to the  
2-56 payment of the bonds or notes. Any fees, assessments, or other  
2-57 charges owed to the West Harris County Regional Water Authority on  
2-58 the effective date of this Act by an owner of property excluded from  
2-59 the authority by this Act remain the obligation of the owner.

2-60 SECTION 9. This Act takes effect immediately if it receives  
2-61 a vote of two-thirds of all the members elected to each house, as  
2-62 provided by Section 39, Article III, Texas Constitution. If this  
2-63 Act does not receive the vote necessary for immediate effect, this  
2-64 Act takes effect September 1, 2005.

2-65 \* \* \* \* \*