

AN ACT

relating to the Parker County Utility District No. 1.

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

SECTION 1. Section 7208.001, Special District Local Laws Code, is amended by amending Subdivisions (3), (7), and (8) and adding Subdivisions (5-a), (7-a), and (8-a) to read as follows:

(3) "Customer" means a wholesale or direct retail user of water, wastewater, or other services provided by the district.

(5-a) "Enterprise fund" means a fund used to account for operations:

(A) that are financed and operated in a manner similar to a private business enterprise and for which the intent of the board is that the costs, including depreciation, of providing goods or services to the public on a continuing basis be financed or recovered primarily through user charges; or

(B) for which the board has decided that periodic determination of revenues earned, expenses incurred, or net income earned is appropriate for capital maintenance, public policy, management control, accountability, or other purposes.

(7) "Member entity" means a public entity or private utility entity that:

(A) provides retail utility service or regulates water, wastewater, sewage, or solid waste in the district; and

(B) enters into a contract with the district to

1 provide or receive wholesale ~~[for]~~ service.

2 (7-a) "Operating unit" means a separately run unit
3 established by action of the board that runs as an enterprise fund
4 separate from other enterprise funds owned or operated by the
5 district.

6 (8) "Participant entity" means a public entity or
7 private utility entity that:

8 (A) provides utility service inside the
9 boundaries of the entity; and

10 (B) contracts with the district for the
11 construction of and payment for water, wastewater, or other utility
12 service projects to be financed or provided by the district.

13 (8-a) "Retail unit" means any unit in which the
14 district provides retail service for a given certificate of public
15 convenience and necessity or bounded service area. Each retail
16 unit shall be considered an operating unit.

17 SECTION 2. Section 7208.003, Special District Local Laws
18 Code, is amended to read as follows:

19 Sec. 7208.003. PURPOSE. The district is created to:

20 (1) purchase, own, hold, lease, or otherwise acquire
21 water distribution facilities, wastewater collection facilities,
22 or other facilities required to facilitate the district's
23 operations;

24 (2) build, operate, and maintain facilities to treat,
25 ~~[and]~~ transport, and store water, wastewater, or other products
26 necessary for district operations;

27 (3) protect, preserve, and restore the purity and

1 sanitary condition of water in the district; and

2 (4) provide other utilities in the district if the
3 utilities are not otherwise provided.

4 SECTION 3. Section 7208.116, Special District Local Laws
5 Code, is amended to read as follows:

6 Sec. 7208.116. CUSTOMER ADVISORY COUNCILS [~~COUNCIL~~]. (a)
7 For each operating unit, the [~~The~~] board may establish a customer
8 advisory council that consists of one representative of each
9 wholesale customer or retail unit of the district.

10 (b) For each retail unit, the board may establish a customer
11 advisory council that consists of five members appointed by the
12 retail customers of the unit in accordance with the laws applicable
13 to and rules of the district. An advisory council member must
14 reside in the service area of the retail unit.

15 (c) [~~(b)~~] A representative serving on a [~~the~~] customer
16 advisory council:

17 (1) has the powers and duties provided in the bylaws
18 and rules of the district; and

19 (2) may not vote on any matter considered by the board.

20 (d) [~~(c)~~] The board may abolish a [~~the~~] customer advisory
21 council.

22 SECTION 4. Section 7208.154, Special District Local Laws
23 Code, is amended to read as follows:

24 Sec. 7208.154. GENERAL WASTE AND WATER POWERS. The
25 district may:

26 (1) provide for:

27 (A) the collection, construction, improvement,

1 maintenance, and operation of wholesale or retail wastewater and
2 water systems and treatment works necessary to provide wholesale or
3 retail service to customers; and

4 (B) the acquisition, construction, improvement,
5 and maintenance of a water supply or reservoir, or an interest in a
6 water supply or reservoir, necessary to exercise and fulfill the
7 powers and duties of the district;

8 (2) supply water for municipal, domestic, and
9 industrial or other beneficial uses or controls;

10 (3) collect, treat, process, dispose of, and control
11 all domestic or industrial wastes, whether in fluid, solid, or
12 composite state;

13 (4) gather, conduct, divert, control, and treat local
14 storm water or local harmful excesses of water in the district; and

15 (5) irrigate and alter land elevations in the district
16 as needed.

17 SECTION 5. The heading to Section 7208.157, Special
18 District Local Laws Code, is amended to read as follows:

19 Sec. 7208.157. CONTRACTS WITH DISTRICT FOR WATER,
20 WASTEWATER, AND OTHER UTILITY SERVICES.

21 SECTION 6. Sections 7208.157(a), (b), and (c), Special
22 District Local Laws Code, are amended to read as follows:

23 (a) Except as provided by Subsection (b), this chapter does
24 not require a customer or prospective customer of the district to
25 secure water, wastewater, or other utility service from the
26 district unless the customer or prospective customer contracts with
27 the district for that purpose.

(b) A customer or prospective customer is required to secure water, wastewater, or other utility service from the district if:

(1) the customer or prospective customer is not receiving the service from another source; and

(2) the district provides the service or determines that the district will make the service available to the customer or prospective customer.

(c) If a customer contracts with the district to secure water, wastewater, or other utility service from the district, a user of the service under the contract must connect to the district's service system if:

(1) the user is located inside the boundaries of the customer; and

(2) the district's system is available for connection at or near the property line of the user.

SECTION 7. Section 7208.201, Special District Local Laws Code, is amended to read as follows:

Sec. 7208.201. AUDITS. All funds and accounts of the district shall be audited annually by an independent auditor. The district shall maintain a copy of the audit in the district's official records.

SECTION 8. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313,

1 Government Code.

2 (b) The governor has submitted the notice and Act to the
3 Texas Commission on Environmental Quality.

4 (c) The Texas Commission on Environmental Quality has filed
5 its recommendations relating to this Act with the governor,
6 lieutenant governor, and speaker of the house of representatives
7 within the required time.

8 (d) All requirements of the constitution and laws of this
9 state and the rules and procedures of the legislature with respect
10 to the notice, introduction, and passage of this Act are fulfilled
11 and accomplished.

12 SECTION 9. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2009.

H.B. No. 4728

President of the Senate

Speaker of the House

I certify that H.B. No. 4728 was passed by the House on May 5, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4728 on May 29, 2009, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4728 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor