

By: Callegari

H.B. No. 2418

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the territory, board of directors, and powers of the
3 North Harris County Regional Water Authority.

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

5 SECTION 1. Section 1.03, Chapter 1029, Acts of the 76th
6 Legislature, Regular Session, 1999, is amended by amending
7 Subsection (b) and adding Subsections (b-1), (b-2), (f), (g), and
8 (h) to read as follows:

9 (b) The authority includes the [~~only that~~] territory
10 described by Subsection (a) of this section only if that territory
11 is also in one or more of the following state representative
12 districts as described by Article II, Chapter 2, Acts of the 72nd
13 Legislature, 3rd Called Session, 1992 (Article II, Article 195a-11,
14 Vernon's Texas Civil Statutes), as the districts existed on the
15 effective date of this Act:

- 16 (1) District 127;
17 (2) District 126;
18 (3) District 130;
19 (4) District 135; and
20 (5) District 150.

21 (b-1) The authority also includes the territory of the
22 following districts:

- 23 (1) Harris County Municipal Utility District No. 16;
24 (2) Harris County Municipal Utility District No. 26;

1 (3) Harris County Municipal Utility District No. 233;

2 (4) Richey Road Municipal Utility District;

3 (5) Harris County Water Control and Improvement
4 District No. 109;

5 (6) Inverness Forest Improvement District; and

6 (7) Memorial Hills Utility District.

7 (b-2) The territory of the authority does not include
8 property that lies within the boundaries of a local government,
9 other than the authority, if:

10 (1) the local government had a groundwater reduction
11 plan approved by the subsidence district before January 1, 2010;
12 and

13 (2) the property was included in the local
14 government's approved groundwater reduction plan on January 1,
15 2010.

16 (f) Territory annexed by a local government located in the
17 authority becomes territory of the authority on the effective date
18 of the annexation, unless the annexed territory is included in
19 another local government's approved groundwater reduction plan as
20 of the effective date of the annexation. The authority by rule may
21 require the local government to send to the authority:

22 (1) written notice of the effective date of an
23 annexation; and

24 (2) copies of documents describing the annexed land
25 and describing the new boundaries of the local government.

26 (g) If territory is added to the service area of a person
27 owning a water system located in the authority, the territory

1 becomes territory of the authority on the effective date of the
2 territory's addition to the service area, unless the added
3 territory is included in another local government's approved
4 groundwater reduction plan as of the effective date of the
5 addition. The authority by rule may require the person to send to
6 the authority:

7 (1) written notice of the effective date of an
8 addition of territory; and

9 (2) copies of documents describing the added territory
10 and describing the new boundaries of the person's service area.

11 (h) The annexation or addition of territory to the authority
12 under this section does not affect the validity of bonds issued by
13 the authority.

14 SECTION 2. Section 1.05, Chapter 1029, Acts of the 76th
15 Legislature, Regular Session, 1999, is amended by adding Subsection
16 (c) to read as follows:

17 (c) The following laws do not apply to the authority:

18 (1) Chapter 36, Water Code;

19 (2) Section 49.052, Water Code; and

20 (3) Sections 49.451-49.455, Water Code.

21 SECTION 3. Section 2.03, Chapter 1029, Acts of the 76th
22 Legislature, Regular Session, 1999, is amended to read as follows:

23 Sec. 2.03. SERVICE OF DIRECTORS. Directors

24 ~~[(a) Temporary directors serve until the initial permanent~~
25 ~~directors are elected under Section 2.05 of this Act.~~

26 ~~[(b) The initial permanent directors serve until permanent~~
27 ~~directors are elected under Section 2.06 of this Act.~~

1 ~~[(c) Permanent directors]~~ serve staggered four-year terms.

2 ~~[(d) A director serves until the director's successor has~~
3 ~~qualified.]~~

4 SECTION 4. The heading to Section 4.04, Chapter 1029, Acts
5 of the 76th Legislature, Regular Session, 1999, is amended to read
6 as follows:

7 Sec. 4.04. CIVIL PENALTY; CIVIL ACTION; INJUNCTION.

8 SECTION 5. Section 4.04, Chapter 1029, Acts of the 76th
9 Legislature, Regular Session, 1999, is amended by adding
10 Subsections (b-1) and (e) to read as follows:

11 (b-1) The authority may bring an action in a district court
12 against a district, other political subdivision, or other person
13 located in the authority's territory or included in the authority's
14 groundwater reduction plan to:

15 (1) recover any fees, rates, charges, assessments,
16 collection expenses, attorney's fees, interest, penalties, or
17 administrative penalties due the authority; or

18 (2) enforce the authority's rules or orders.

19 (e) Governmental immunity from suit or liability of a
20 district or other political subdivision is waived for the purposes
21 of an action described by Subsection (b-1) of this section.

22 SECTION 6. The following sections of Chapter 1029, Acts of
23 the 76th Legislature, Regular Session, 1999, are repealed:

24 (1) Section 2.04;

25 (2) Section 2.05; and

26 (3) Section 2.07.

27 SECTION 7. (a) The legal notice of the intention to

1 introduce this Act, setting forth the general substance of this
2 Act, has been published as provided by law, and the notice and a
3 copy of this Act have been furnished to all persons, agencies,
4 officials, or entities to which they are required to be furnished
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6 Government Code.

7 (b) The governor, one of the required recipients, has
8 submitted the notice and Act to the Texas Commission on
9 Environmental Quality.

10 (c) The Texas Commission on Environmental Quality has filed
11 its recommendations relating to this Act with the governor, the
12 lieutenant governor, and the speaker of the house of
13 representatives within the required time.

14 (d) All requirements of the constitution and laws of this
15 state and the rules and procedures of the legislature with respect
16 to the notice, introduction, and passage of this Act are fulfilled
17 and accomplished.

18 SECTION 8. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2011.