

1-1 By: Callegari (Senate Sponsor - Patrick) H.B. No. 2418
1-2 (In the Senate - Received from the House April 11, 2011;
1-3 April 26, 2011, read first time and referred to Committee on
1-4 Natural Resources; May 11, 2011, reported favorably by the
1-5 following vote: Yeas 10, Nays 0; May 11, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the territory, board of directors, and powers of the
1-9 North Harris County Regional Water Authority.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1.03, Chapter 1029, Acts of the 76th
1-12 Legislature, Regular Session, 1999, is amended by amending
1-13 Subsection (b) and adding Subsections (b-1), (b-2), (f), (g), and
1-14 (h) to read as follows:

1-15 (b) The authority includes the [only that] territory
1-16 described by Subsection (a) of this section only if that territory
1-17 is also in one or more of the following state representative
1-18 districts as described by Article II, Chapter 2, Acts of the 72nd
1-19 Legislature, 3rd Called Session, 1992 (Article II, Article 195a-11,
1-20 Vernon's Texas Civil Statutes), as the districts existed on the
1-21 effective date of this Act:

- 1-22 (1) District 127;
- 1-23 (2) District 126;
- 1-24 (3) District 130;
- 1-25 (4) District 135; and
- 1-26 (5) District 150.

1-27 (b-1) The authority also includes the territory of the
1-28 following districts:

- 1-29 (1) Harris County Municipal Utility District No. 16;
- 1-30 (2) Harris County Municipal Utility District No. 26;
- 1-31 (3) Harris County Municipal Utility District No. 233;
- 1-32 (4) Richey Road Municipal Utility District;
- 1-33 (5) Harris County Water Control and Improvement
1-34 District No. 109;
- 1-35 (6) Inverness Forest Improvement District; and
- 1-36 (7) Memorial Hills Utility District.

1-37 (b-2) The territory of the authority does not include
1-38 property that lies within the boundaries of a local government,
1-39 other than the authority, if:

- 1-40 (1) the local government had a groundwater reduction
1-41 plan approved by the subsidence district before January 1, 2010;
1-42 and
- 1-43 (2) the property was included in the local
1-44 government's approved groundwater reduction plan on January 1,
1-45 2010.

1-46 (f) Territory annexed by a local government located in the
1-47 authority becomes territory of the authority on the effective date
1-48 of the annexation, unless the annexed territory is included in
1-49 another local government's approved groundwater reduction plan as
1-50 of the effective date of the annexation. The authority by rule may
1-51 require the local government to send to the authority:

- 1-52 (1) written notice of the effective date of an
1-53 annexation; and
- 1-54 (2) copies of documents describing the annexed land
1-55 and describing the new boundaries of the local government.

1-56 (g) If territory is added to the service area of a person
1-57 owning a water system located in the authority, the territory
1-58 becomes territory of the authority on the effective date of the
1-59 territory's addition to the service area, unless the added
1-60 territory is included in another local government's approved
1-61 groundwater reduction plan as of the effective date of the
1-62 addition. The authority by rule may require the person to send to
1-63 the authority:

- 1-64 (1) written notice of the effective date of an
1-65 addition of territory; and
- 1-66 (2) copies of documents describing the added territory
1-67 and describing the new boundaries of the person's service area.

2-1 (h) The annexation or addition of territory to the authority
2-2 under this section does not affect the validity of bonds issued by
2-3 the authority.

2-4 SECTION 2. Section 1.05, Chapter 1029, Acts of the 76th
2-5 Legislature, Regular Session, 1999, is amended by adding Subsection
2-6 (c) to read as follows:

2-7 (c) The following laws do not apply to the authority:

2-8 (1) Chapter 36, Water Code;

2-9 (2) Section 49.052, Water Code; and

2-10 (3) Sections 49.451-49.455, Water Code.

2-11 SECTION 3. Section 2.03, Chapter 1029, Acts of the 76th
2-12 Legislature, Regular Session, 1999, is amended to read as follows:

2-13 Sec. 2.03. SERVICE OF DIRECTORS. Directors

2-14 [~~(a) Temporary directors serve until the initial permanent~~
2-15 ~~directors are elected under Section 2.05 of this Act.~~

2-16 [~~(b) The initial permanent directors serve until permanent~~
2-17 ~~directors are elected under Section 2.06 of this Act.~~

2-18 [~~(c) Permanent directors~~] serve staggered four-year terms.

2-19 [~~(d) A director serves until the director's successor has~~
2-20 ~~qualified.~~]

2-21 SECTION 4. The heading to Section 4.04, Chapter 1029, Acts
2-22 of the 76th Legislature, Regular Session, 1999, is amended to read
2-23 as follows:

2-24 Sec. 4.04. CIVIL PENALTY; CIVIL ACTION; INJUNCTION.

2-25 SECTION 5. Section 4.04, Chapter 1029, Acts of the 76th
2-26 Legislature, Regular Session, 1999, is amended by adding
2-27 Subsections (b-1) and (e) to read as follows:

2-28 (b-1) The authority may bring an action in a district court
2-29 against a district, other political subdivision, or other person
2-30 located in the authority's territory or included in the authority's
2-31 groundwater reduction plan to:

2-32 (1) recover any fees, rates, charges, assessments,
2-33 collection expenses, attorney's fees, interest, penalties, or
2-34 administrative penalties due the authority; or

2-35 (2) enforce the authority's rules or orders.

2-36 (e) Governmental immunity from suit or liability of a
2-37 district or other political subdivision is waived for the purposes
2-38 of an action described by Subsection (b-1) of this section.

2-39 SECTION 6. The following sections of Chapter 1029, Acts of
2-40 the 76th Legislature, Regular Session, 1999, are repealed:

2-41 (1) Section 2.04;

2-42 (2) Section 2.05; and

2-43 (3) Section 2.07.

2-44 SECTION 7. (a) The legal notice of the intention to
2-45 introduce this Act, setting forth the general substance of this
2-46 Act, has been published as provided by law, and the notice and a
2-47 copy of this Act have been furnished to all persons, agencies,
2-48 officials, or entities to which they are required to be furnished
2-49 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-50 Government Code.

2-51 (b) The governor, one of the required recipients, has
2-52 submitted the notice and Act to the Texas Commission on
2-53 Environmental Quality.

2-54 (c) The Texas Commission on Environmental Quality has filed
2-55 its recommendations relating to this Act with the governor, the
2-56 lieutenant governor, and the speaker of the house of
2-57 representatives within the required time.

2-58 (d) All requirements of the constitution and laws of this
2-59 state and the rules and procedures of the legislature with respect
2-60 to the notice, introduction, and passage of this Act are fulfilled
2-61 and accomplished.

2-62 SECTION 8. This Act takes effect immediately if it receives
2-63 a vote of two-thirds of all the members elected to each house, as
2-64 provided by Section 39, Article III, Texas Constitution. If this
2-65 Act does not receive the vote necessary for immediate effect, this
2-66 Act takes effect September 1, 2011.

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