

BILL ANALYSIS

C.S.H.B. 1459
By: Bohac
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the West Harris County Regional Water Authority was created several years ago for the purpose of delivering surface water to users within its boundaries so that the users would be in compliance with certain regulations requiring the users to convert from groundwater supplies to surface water supplies. The parties identify a need to amend the authority's powers and duties, which C.S.H.B. 1459 seeks to address.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1459 amends Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, to prohibit territory from being annexed into or added to the West Harris County Regional Water Authority that, at the time of annexation or addition, is located within the boundaries of both another regional water authority created as a conservation and reclamation district and a subsidence district. The bill applies this prohibition only to an annexation or addition of land that is completed on or after the bill's effective date. The bill establishes that the authority is not a special water authority for purposes of Water Code provisions applicable to certain water districts.

C.S.H.B. 1459 removes the requirement with regard to provisions relating to the purchase of water from another entity that the authority provide each district or municipality within its boundaries information regarding the share of the capital costs to be paid by the district or municipality and provide each district or municipality the opportunity to fund its share of the capital costs with proceeds from the sale of bonds or fees and charges collected by the districts or municipalities. The bill instead authorizes the authority to provide such information and opportunity.

C.S.H.B. 1459 establishes that, except as provided by its provisions, the authority retains all the rights, powers, privileges, authority, duties, and functions that it had before the bill's effective date. The bill provides for the validation and confirmation of certain authority actions and proceedings taken before the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

84R 27945

15.125.758

Substitute Document Number: 84R 14557

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1459 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 1.06, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Subsection (g) to read as follows:

(g) Notwithstanding any provision of this section or other law, the authority may not annex or add territory to the authority that, at the time of annexation or addition, is located within the boundaries of both:

- (1) another regional water authority created under Section 59, Article XVI, Texas Constitution; and
- (2) a subsidence district.

SECTION 2. Section 4.01, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, is amended.

SECTION 3. Section 4.04, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, is amended.

SECTION 4. Except as provided by this Act, the West Harris County Regional Water Authority retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 5. (a) The legislature validates and confirms all acts and proceedings of the board of directors of the West Harris County Regional Water Authority that were taken before the effective date of this Act.

(b) Subsection (a) of this section does not apply to any matter that on the effective date of this Act:

- (1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court; or
- (2) has been held invalid by a final judgment of a court.

SECTION 6. Section 1.06(g), Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, as added by this Act, applies

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 1.06, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Subsection (g) to read as follows:

(g) Notwithstanding any provision of this section or other law, no territory may be annexed into or added to the authority that, at the time of annexation or addition, is located within the boundaries of both:

- (1) another regional water authority created under Section 59, Article XVI, Texas Constitution; and
- (2) a subsidence district.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

only to an annexation or addition of land that is completed on or after the effective date of this Act. An annexation or addition of land that is completed before the effective date of this Act is governed by the law in effect on the date the annexation or addition was completed, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SECTION 7. Same as introduced version.