

By: Bohac

H.B. No. 1459

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the West Harris County Regional  
Water Authority.

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

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. Section 4.01, Chapter 414, Acts of the 77th  
Legislature, Regular Session, 2001, is amended by adding Subsection  
(e) to read as follows:

(e) The authority is not a special water authority for  
purposes of Chapter 49, Water Code.

SECTION 3. Section 4.04, Chapter 414, Acts of the 77th  
Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 4.04. PURCHASE OF WATER FROM ANOTHER ENTITY. If the  
authority purchases water from another entity for resale to local  
governments, the authority shall use its best efforts in

1 negotiating with the entity to determine the amount of capital  
2 costs included in any rates or charges paid by the authority. The  
3 authority shall determine the amount of expected capital costs of  
4 its own system. The authority may [~~shall~~] provide each district or  
5 municipality within its boundaries information regarding the share  
6 of the capital costs to be paid by the district or municipality, as  
7 determined by the authority, and may [~~shall~~] provide each district  
8 or municipality the opportunity, in a manner and by a procedure  
9 determined by the authority, to fund its share of the capital costs  
10 with proceeds from the sale of bonds or fees and charges collected  
11 by the districts or municipalities. In complying with this  
12 section, the authority may use any reasonable basis to calculate  
13 from time to time the share of the capital costs of a district or  
14 municipality. The authority may calculate the shares of the  
15 capital costs based on the amount of water used within the authority  
16 by the district or municipality during the calendar year preceding  
17 the year in which the calculation is made, and the authority may  
18 exclude from the calculation the amount of water used within Fort  
19 Bend County if the authority did not charge a fee under Section  
20 4.03(b) of this Act on wells within Fort Bend County during that  
21 calendar year. A district or municipality may use any lawful source  
22 of revenue, including bond funds, to make payment for any sums due  
23 to the authority. The authority may adopt a procedure by which a  
24 district or municipality may receive a credit from the authority.  
25 The board may adopt any other procedure necessary to accomplish the  
26 goals of this section. This section or any failure to comply with  
27 this section does not limit or impede the authority's ability to

1 issue bonds or notes or invalidate any fees, user fees, charges,  
2 rates, or special assessments imposed by the authority.

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

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

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

13 (1) is involved in litigation if the litigation  
14 ultimately results in the matter being held invalid by a final  
15 judgment of a court; or

16 (2) has been held invalid by a final judgment of a  
17 court.

18 SECTION 6. Section 1.06(g), Chapter 414, Acts of the 77th  
19 Legislature, Regular Session, 2001, as added by this Act, applies  
20 only to an annexation or addition of land that is completed on or  
21 after the effective date of this Act. An annexation or addition of  
22 land that is completed before the effective date of this Act is  
23 governed by the law in effect on the date the annexation or addition  
24 was completed, and the former law is continued in effect for that  
25 purpose.

26 SECTION 7. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2015.