

By: Bohac

H.B. No. 1459

Substitute the following for H.B. No. 1459:

By: Ashby

C.S.H.B. No. 1459

A BILL TO BE ENTITLED

1

AN ACT

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

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

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

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

12 (1) another regional water authority created under
13 Section 59, Article XVI, Texas Constitution; and

14 (2) a subsidence district.

15 SECTION 2. Section 4.01, Chapter 414, Acts of the 77th
16 Legislature, Regular Session, 2001, is amended by adding Subsection
17 (e) to read as follows:

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

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

22 Sec. 4.04. PURCHASE OF WATER FROM ANOTHER ENTITY. If the
23 authority purchases water from another entity for resale to local
24 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.