

1-1 By: Bettencourt S.B. No. 1459
 1-2 (In the Senate - Filed March 12, 2015; March 19, 2015, read
 1-3 first time and referred to Committee on Agriculture, Water, and
 1-4 Rural Affairs; April 1, 2015, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; April 1, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the powers and duties of the West Harris County Regional
 1-18 Water Authority.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 1.06, Chapter 414, Acts of the 77th
 1-21 Legislature, Regular Session, 2001, is amended by adding Subsection
 1-22 (g) to read as follows:

1-23 (g) Notwithstanding any provision of this section or other
 1-24 law, the authority may not annex or add territory to the authority
 1-25 that, at the time of annexation or addition, is located within the
 1-26 boundaries of both:

1-27 (1) another regional water authority created under
 1-28 Section 59, Article XVI, Texas Constitution; and

1-29 (2) a subsidence district.

1-30 SECTION 2. Section 4.01, Chapter 414, Acts of the 77th
 1-31 Legislature, Regular Session, 2001, is amended by adding Subsection
 1-32 (e) to read as follows:

1-33 (e) The authority is not a special water authority for
 1-34 purposes of Chapter 49, Water Code.

1-35 SECTION 3. Section 4.04, Chapter 414, Acts of the 77th
 1-36 Legislature, Regular Session, 2001, is amended to read as follows:

1-37 Sec. 4.04. PURCHASE OF WATER FROM ANOTHER ENTITY. If the
 1-38 authority purchases water from another entity for resale to local
 1-39 governments, the authority shall use its best efforts in
 1-40 negotiating with the entity to determine the amount of capital
 1-41 costs included in any rates or charges paid by the authority. The
 1-42 authority shall determine the amount of expected capital costs of
 1-43 its own system. The authority may ~~[shall]~~ provide each district or
 1-44 municipality within its boundaries information regarding the share
 1-45 of the capital costs to be paid by the district or municipality, as
 1-46 determined by the authority, and may ~~[shall]~~ provide each district
 1-47 or municipality the opportunity, in a manner and by a procedure
 1-48 determined by the authority, to fund its share of the capital costs
 1-49 with proceeds from the sale of bonds or fees and charges collected
 1-50 by the districts or municipalities. In complying with this
 1-51 section, the authority may use any reasonable basis to calculate
 1-52 from time to time the share of the capital costs of a district or
 1-53 municipality. The authority may calculate the shares of the
 1-54 capital costs based on the amount of water used within the authority
 1-55 by the district or municipality during the calendar year preceding
 1-56 the year in which the calculation is made, and the authority may
 1-57 exclude from the calculation the amount of water used within Fort
 1-58 Bend County if the authority did not charge a fee under Section
 1-59 4.03(b) of this Act on wells within Fort Bend County during that
 1-60 calendar year. A district or municipality may use any lawful source
 1-61 of revenue, including bond funds, to make payment for any sums due

2-1 to the authority. The authority may adopt a procedure by which a
2-2 district or municipality may receive a credit from the authority.
2-3 The board may adopt any other procedure necessary to accomplish the
2-4 goals of this section. This section or any failure to comply with
2-5 this section does not limit or impede the authority's ability to
2-6 issue bonds or notes or invalidate any fees, user fees, charges,
2-7 rates, or special assessments imposed by the authority.

2-8 SECTION 4. Except as provided by this Act, the West Harris
2-9 County Regional Water Authority retains all the rights, powers,
2-10 privileges, authority, duties, and functions that it had before the
2-11 effective date of this Act.

2-12 SECTION 5. (a) The legislature validates and confirms all
2-13 acts and proceedings of the board of directors of the West Harris
2-14 County Regional Water Authority that were taken before the
2-15 effective date of this Act.

2-16 (b) Subsection (a) of this section does not apply to any
2-17 matter that on the effective date of this Act:

2-18 (1) is involved in litigation if the litigation
2-19 ultimately results in the matter being held invalid by a final
2-20 judgment of a court; or

2-21 (2) has been held invalid by a final judgment of a
2-22 court.

2-23 SECTION 6. Section 1.06(g), Chapter 414, Acts of the 77th
2-24 Legislature, Regular Session, 2001, as added by this Act, applies
2-25 only to an annexation or addition of land that is completed on or
2-26 after the effective date of this Act. An annexation or addition of
2-27 land that is completed before the effective date of this Act is
2-28 governed by the law in effect on the date the annexation or addition
2-29 was completed, and the former law is continued in effect for that
2-30 purpose.

2-31 SECTION 7. This Act takes effect immediately if it receives
2-32 a vote of two-thirds of all the members elected to each house, as
2-33 provided by Section 39, Article III, Texas Constitution. If this
2-34 Act does not receive the vote necessary for immediate effect, this
2-35 Act takes effect September 1, 2015.

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