Senate Research Center   S.B. 503
By: Lindsay
Natural Resources
4/4/2001
As Filed

DIGEST AND PURPOSE

Currently, the North Harris County Regional Water Authority (authority) provides groundwater service to more than 400,000 people living outside the boundaries of the city of Houston. The authority was created by the 76th Legislature. Due to challenges regarding water quality and quantity and ground subsidence in Harris and Galveston counties, the authority is implementing procedures to convert from groundwater usage to surface water usage. As proposed, S.B. 503 authorizes the board of directors of a district to petition the authority for inclusion in the authority and provides that a plan to reduce reliance on groundwater must be in effect not later than December 31, 2002.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1.03, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, by providing that the North Harris County Regional Water Authority (authority) does not include the territory of a district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, located within the area described by Subsections (a) and (b) if any portion of the territory of the district was located outside the area described by Subsections (a) and (b) on the effective day of this Act, and the district does not own, lease, or receive water from a well located within the area described by Subsections (a) and (b).

SECTION 2. Amends Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, by adding Section 1.045. as follows:

Sec. 1.045. INCLUSION OF CERTAIN TERRITORY. (a) Authorizes the board of directors of a district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, all or part of which is not included within the boundaries of the authority under Section 1.03 of this Act, to request by petition the inclusion of its territory in the authority's territory. Requires the petition to be filed with the authority and to include an accurate legal description of the boundaries of the territory to be included.

(b) Requires the board to require the petitioning district to assume its share of outstanding bonds, notes, or other obligations, if the authority has bonds, notes, or other obligations outstanding.

(c) Requires the board to hold a hearing to consider the petition before the 61st day after the authority receives the petition. Authorizes the board to grant the petition and order the territory described in the petition to be included in the authority's territory if it is feasible, practicable, and to the advantage of the authority and the authority's system and other improvements of the authority are sufficient or will be sufficient to supply the added territory without injuring the territory already included in the authority.

(d) Requires the board to file for recording in the office of the county clerk of Harris County a copy of the order and a description of the authority's boundaries as they exist after the inclusion of the territory, if the board grants the petition.

(e) Provides that the order including the territory is effective immediately after the order and description are recorded.

(f) Prohibits a district that petitions before January 1, 2002, for inclusion within the territory of the authority from being required to pay any fee to the authority for admission or reimbursement for activities the authority has undertaken since its creation in the furtherance of its duties and functions. Provides that a district that petitions for inclusion within the territory of the authority on or after January 1, 2002, will be subject to such fees and reimbursements as are in effect at the time of such petition and are applicable to such petitioners.

SECTION 3. Amends Section 4.01, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, by requiring the authority to develop and implement groundwater reduction and water supply plans to reduce reliance on groundwater. Requires the plans to meet certain conditions and criteria. Authorizes the authority to contract on such terms as are mutually agreeable with any person or district located outside the authority to allow the person or district to be included in the authority's groundwater reduction and water supply plan. Requires such contracts to have the same force and effect as if the person or district were located within the authority. Authorizes the plan required by this section to be amended from time to time at the discretion of the authority.

SECTION 4. Amends Section 4.08, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, to authorize the authority to exercise the power of eminent domain inside or outside the boundaries of the authority. Deletes language relating to prohibiting the authority from exercising such power.

SECTION 5. Amends Subsection 4.12 (b), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, to require disbursements of the authority to be signed by at least two directors, except, notwithstanding any other law, the board by resolution is authorized to allow the general manager, treasurer, bookkeeper, or other employee of the authority to sign disbursements.

SECTION 6. Amends Article 4, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, by adding Section 4.14, as follows:

Sec. 4.14. INCLUDED DISTRICTS. Provides that a district inside of the authority's boundaries retains its separate identity, powers, and duties, except that the district is subject to the powers and duties of the authority, including the authority's power and duty to develop and implement groundwater reduction and water supply plans as provided by Section 4.01(e) of this Act.

SECTION 7. Repealer: Section 1.04 (Exclusion of Certain Territory), Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999.

SECTION 8. Effective date: upon passage or September 1, 2001.