

BILL ANALYSIS

Senate Research Center

S.B. 1459
By: Bettencourt
Agriculture, Water & Rural Affairs
6/17/2015
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The West Harris County Regional Water Authority (authority) was created in 2001 to achieve compliance with Harris-Galveston Subsidence District regulations to reduce groundwater pumpage for about 120 MUDs, the City of Katy, and a small portion of the City of Houston. This is part of a regional plan to convert the water supply from groundwater to surface water. In order to provide additional surface water required to meet subsidence district surface water conversion requirements by 2025, the authority is involved in several water infrastructure projects.

Currently the lengthy funding process mandates “cash calls” prior to the authority financing any new project. It must contact each water district and city in the authority and determine whether the water district or city wants to contribute cash for its pro rata share of the project, rather than having the authority finance its pro rata share.

S.B. 1459 proposes to make cash calls optional instead of required. This would permit the authority to fund its water infrastructure capital costs without the requirement to first undertake a lengthy (12 to 18 months) capital advance process. It also prevents annexing territory whose boundaries overlap. S.B. 1459 also clarifies that the authority has the same authority as MUDs.

S.B. 1459 amends current law relating to the powers and duties of the West Harris County Regional Water Authority.

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 1.06, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, by adding Subsection (g), as follows:

(g) Prohibits the West Harris County Regional Water Authority (authority), notwithstanding any provision of this section or other law, from annexing or adding 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 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), Article XVI (General Provisions), Texas Constitution; and

(2) a subsidence district.

SECTION 2. Amends Section 4.01, Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, by adding Subsection (e), to provide that the authority is not a special water authority for purposes of Chapter 49 (Provisions Applicable to All Districts), Water Code.

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

Sec. 4.04. PURCHASE OF WATER FROM ANOTHER ENTITY. Authorizes, rather than requires, the authority to provide each district or municipality within its boundaries information regarding the share of the capital costs to be paid by the district or municipality, as determined by the authority, and authorizes, rather than requires, the authority to provide each district or municipality the opportunity, in a manner and by a procedure determined by the authority, 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.

SECTION 4. Provides that the authority, except as provided by this Act, retains all the rights, powers, privileges, authority, duties, and functions that it had before the effective date of this Act.

SECTION 5. (a) Provides that the legislature validates and confirms all acts and proceedings of the board of directors of the authority that were taken before the effective date of this Act.

(b) Prohibits Subsection (a) of this section from applying 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. Provides that Section 1.06(g), Chapter 414, Acts of the 77th Legislature, Regular Session, 2001, as added by this Act, applies only to an annexation or addition of land that is completed on or after the effective date of this Act. Provides that 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. Effective date: upon passage or September 1, 2015.