

## AN ACT

relating to the ~~North~~ ~~Harris~~ ~~County~~ ~~Regional~~ ~~Water~~ ~~Authority~~.

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

SECTION 1. Section 1.02, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended by adding Subdivision (12) to read as follows:

(12) "Groundwater reduction plan" means a plan adopted or implemented to supply water, reduce reliance on groundwater, regulate groundwater pumping and water usage, or require and allocate water usage among persons in order to comply with or exceed the minimum requirements imposed by the subsidence district, including any applicable groundwater reduction requirements.

SECTION 2. Section 1.03, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended by adding Subsection (e) to read as follows:

(e) Notwithstanding Subsections (a) and (b) of this section, the 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) of this section only if the territory meets both of the following criteria:

(1) any portion of the territory of the district was located outside the area described by Subsections (a) and (b) of this section on the effective date of this Act; and

(2) the district does not own, lease, or receive water for nonemergency purposes from a well located within the area described by Subsections (a) and (b) of this section.

SECTION 3. Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended by adding Section 1.045 to read as follows:

Sec. 1.045. INCLUSION OF CERTAIN TERRITORY. (a) 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, may request by petition the inclusion of its territory in the authority's territory. The petition must:

(1) be filed with the authority; and

(2) include an accurate legal description of the boundaries of the territory to be included.

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

(c) Before the 61st day after the date the authority receives the petition, the board shall hold a hearing to consider the petition. The board may grant the petition and order the territory described in the petition included in the authority's territory if:

(1) it is feasible, practicable, and to the advantage of the authority; and

(2) 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) If the board grants the petition, the board shall file for recording in the office of the county clerk of Harris County:

(1) a copy of the order; and

(2) a description of the authority's boundaries as they exist after the inclusion of the territory.

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

3-11 (f) A district that petitions before January 1, 2002, for  
3-12 inclusion within the territory of the authority shall not be  
3-13 required to pay any fee to the authority for admission or  
3-14 reimbursement for activities the authority has undertaken since its  
3-15 creation in the furtherance of its duties and functions. A  
3-16 district that petitions for inclusion within the territory of the  
3-17 authority on or after January 1, 2002, shall be subject to such  
3-18 fees and reimbursements as are in effect at the time of such  
3-19 petition and are applicable to such petitioners.

3-20 SECTION 4. Section 4.01, Chapter 1029, Acts of the 76th  
3-21 Legislature, Regular Session, 1999, is amended by amending  
3-22 Subsection (b) and adding Subsections (e) through (h) to read as  
3-23 follows:

3-24 (b) The authority may:

3-25 (1) provide for the conservation, preservation,  
3-26 protection, recharge, and prevention of waste of groundwater [~~and~~  
3-27 ~~for the reduction of groundwater withdrawals,~~] in a manner  
4-1 consistent with the purposes of Section 59, Article XVI, Texas  
4-2 Constitution;

4-3 (2) for the purposes of reducing groundwater  
4-4 withdrawals and subsidence, acquire or develop surface water and  
4-5 groundwater supplies from sources inside of or outside of the  
4-6 boundaries of the authority and may conserve, store, transport,  
4-7 treat, purify, distribute, sell, and deliver water to persons,  
4-8 corporations, municipal corporations, political subdivisions of the  
4-9 state, and others, inside of and outside of the boundaries of the  
4-10 authority;

4-11 (3) enter into contracts with persons, including  
4-12 political subdivisions of the state, on terms and conditions the  
4-13 board considers desirable, fair, and advantageous for the  
4-14 performance of its rights, powers, and authority under this Act;

4-15 (4) coordinate water services provided inside of,  
4-16 outside of, or into the authority; [~~and~~]

4-17 (5) provide for the reduction of groundwater  
4-18 withdrawals by the development, implementation, or enforcement of a  
4-19 groundwater reduction plan as provided in Subsection (e) of this  
4-20 section;

4-21 (6) identify sources of water other than groundwater  
4-22 to be provided by the authority;

4-23 (7) specify the rates, terms, and conditions under  
4-24 which sources of water other than groundwater will be provided by  
4-25 the authority, which may be changed from time to time as deemed  
4-26 necessary by the authority;

4-27 (8) specify the dates and extent to which each person  
5-1 or district within the authority's boundaries shall accept water  
5-2 from the authority; and

5-3 (9) administer and enforce the provisions of the Act.

5-4 (e) The authority may develop, implement, participate in,  
5-5 and enforce a groundwater reduction plan. A groundwater reduction  
5-6 plan developed, implemented, participated in, or enforced by the  
5-7 authority shall be binding on persons, districts, entities, and  
5-8 wells within the authority's boundaries.

5-9 (f) The authority may contract on such terms as are mutually  
5-10 agreeable with any person or district located outside the authority  
5-11 to allow the person or district to be included in the authority's  
5-12 groundwater reduction plan. Such contracts shall have the same  
5-13 force and effect as if the person or district were located within  
5-14 the authority, except that the person or district shall not have  
5-15 the right to vote in elections for members of the board of the  
5-16 authority.

5-17 (g) The plan authorized by Subsection (e) of this section

5-18 may be amended from time to time at the discretion of the authority  
5-19 subject to the requirements and procedures of the subsidence  
5-20 district applicable to the amendment of groundwater reduction  
5-21 plans.

5-22 (h) The groundwater reduction plan developed by the  
5-23 authority may exceed the minimum requirements imposed by the  
5-24 subsidence district, including without limitation any applicable  
5-25 groundwater reduction requirements.

5-26 SECTION 5. Section 4.08, Chapter 1029, Acts of the 76th  
5-27 Legislature, Regular Session, 1999, is amended to read as follows:

6-1 Sec. 4.08. EMINENT DOMAIN. (a) The authority may exercise  
6-2 the power of eminent domain inside the boundaries of the authority  
6-3 [in the manner provided in Chapter 21, Property Code,] to acquire  
6-4 property of any kind to further the authorized purposes of the  
6-5 authority[. ~~The authority may not exercise the power of eminent~~  
6-6 ~~domain outside of the boundaries of the authority].~~

6-7 (b)(1) The authority may exercise the power of eminent  
6-8 domain outside the boundaries of the authority to acquire any land,  
6-9 easements, or other property for purposes of pumping, treating,  
6-10 storing, and transporting water.

6-11 (2) The authority may not use the power of eminent  
6-12 domain granted by Subsection (b)(1) of this section for the  
6-13 condemnation of land for the purpose of acquiring rights to  
6-14 underground water or water or water rights.

6-15 (3) The authority may not use the power of eminent  
6-16 domain granted by Subsection (b)(1) of this section to acquire  
6-17 property of any kind that is:

6-18 (A) owned by a municipality with a population of  
6-19 1.6 million or more or any instrumentality of a municipality with a  
6-20 population of 1.6 million or more, including any local government  
6-21 corporation created by the municipality; or

6-22 (B) located within the corporate boundaries of a  
6-23 municipality with a population of 1.6 million or more for limited  
6-24 or general purposes as of February 1, 2001.

6-25 (4) Notwithstanding Subsection (b)(3)(B) of this  
6-26 section, the authority may use the power of eminent domain granted  
6-27 by Subsection (b)(1) of this section to acquire property:

7-1 (A) within the corporate boundaries of a  
7-2 municipality with a population of 1.6 million or more if:

7-3 (i) the condemnation is to be used to  
7-4 provide facilities between two points that are within the  
7-5 authority; and

7-6 (ii) the area within the municipality is  
7-7 bounded by a line parallel to and 150 feet north of the north side  
7-8 of Greens Bayou and by a line parallel to and 150 feet south of the  
7-9 south side of Greens Bayou;

7-10 (B) that is within the corporate boundaries of  
7-11 a municipality with a population of 1.6 million and annexation of  
7-12 the territory by the municipality was completed between January 1,  
7-13 1962, and January 1, 1964; or

7-14 (C) that is within an area of the corporate  
7-15 boundaries of a municipality with a population of 1.6 million or  
7-16 more if the municipality grants permission for such condemnation.

7-17 (c) The power of eminent domain granted by Subsections (a)  
7-18 and (b) of this section shall be exercised in the manner provided  
7-19 in Chapter 21, Property Code, except that the authority shall not  
7-20 be required to give bond for appeal or bond for costs in any  
7-21 condemnation suit, or other suit to which it is a party, and shall  
7-22 not be required to deposit more than the amount of any award in any  
7-23 suit.

7-24 (d) When exercising the power of eminent domain granted by

7-25 Subsections (a) and (b) of this section, the authority may elect to  
 7-26 condemn either the fee simple or a lesser property interest.

7-27 (e) The authority may not exercise the power of eminent  
 8-1 domain granted by Subsections (a) and (b) of this section to  
 8-2 acquire property of any kind in a county that:

8-3 (1) has a population of more than 245,000;

8-4 (2) borders the Gulf of Mexico; and

8-5 (3) is adjacent to a county with a population of more  
 8-6 than 1.6 million.

8-7 SECTION 6. Section 4.12(b), Chapter 1029, Acts of the 76th  
 8-8 Legislature, Regular Session, 1999, is amended to read as follows:

8-9 (b) Disbursements of the authority must be signed by at  
 8-10 least two directors, except, notwithstanding any other law, the  
 8-11 board by resolution may allow the general manager, treasurer,  
 8-12 bookkeeper, or other employee of the authority to sign  
 8-13 disbursements.

8-14 SECTION 7. Article 4, Chapter 1029, Acts of the 76th  
 8-15 Legislature, Regular Session, 1999, is amended by adding Section  
 8-16 4.14 to read as follows:

8-17 Sec. 4.14. INCLUDED DISTRICTS. A district inside of the  
 8-18 authority's boundaries retains its separate identity, powers, and  
 8-19 duties, except that the district is subject to the powers and  
 8-20 duties of the authority, including those powers and duties of the  
 8-21 authority necessary to develop, implement, and enforce a  
 8-22 groundwater reduction plan.

8-23 SECTION 8. Section 1.04, Chapter 1029, Acts of the 76th  
 8-24 Legislature, Regular Session, 1999, is repealed.

8-25 SECTION 9. This Act takes effect immediately if it receives  
 8-26 a vote of two-thirds of all the members elected to each house, as  
 8-27 provided by Section 39, Article III, Texas Constitution. If this  
 9-1 Act does not receive the vote necessary for immediate effect, this  
 9-2 Act takes effect September 1, 2001.

\_\_\_\_\_  
 President of the Senate

\_\_\_\_\_  
 Speaker of the House

I certify that H.B. No. 1110 was passed by the House on March  
 21, 2001, by the following vote: Yeas 146, Nays 0, 1 present, not  
 voting.

\_\_\_\_\_  
 Chief Clerk of the House

I certify that H.B. No. 1110 was passed by the Senate on May  
 17, 2001, by the following vote: Yeas 30, Nays 0, 1 present, not  
 voting.

\_\_\_\_\_  
 Secretary of the Senate

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Governor