

By: Paul

H.B. No. 5409

Substitute the following for H.B. No. 5409:

By: King of Uvalde

C.S.H.B. No. 5409

A BILL TO BE ENTITLED

AN ACT

relating to the board of directors and duties of the Gulf Coast Protection District.

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

SECTION 1. Section 9502.0103(b), Special District Local Laws Code, is amended to read as follows:

(b) The creation of the district is necessary to establish an instrumentality for protecting the coast in Chambers, Galveston, Harris, Jefferson, and Orange Counties, and territory annexed to the district under Section 9502.0104(b), in the manner provided by this chapter.

SECTION 2. Section 9502.0201, Special District Local Laws Code, is amended by amending Subsections (a) and (d) and adding Subsection (c-1) to read as follows:

(a) The district is initially governed by a board of 11 directors.

(c-1) If the territory of a county is annexed to the district under Section 9502.0104(b):

(1) the commissioners court of the county shall appoint one additional director; and

(2) the governor, with the advice and consent of the senate, shall appoint one additional director as needed to ensure the board has an odd number of directors.

(d) In making the appointments required by Subsections

1 ~~[Subsection]~~ (c) and (c-1), the governor shall ensure that
2 residents of a single county do not make up a majority of the
3 directors.

4 SECTION 3. Section 9502.0202(b), Special District Local
5 Laws Code, is amended to read as follows:

6 (b) To qualify for office, a director described by Section
7 9502.0201(b), ~~[or]~~ (c)(1) or (2), or (c-1)(1) must be a resident of
8 the county or municipality the person is appointed to represent.

9 SECTION 4. Section 9502.0301, Special District Local Laws
10 Code, is amended by adding Subsection (e) to read as follows:

11 (e) If implementation of a project described by Subsection
12 (a) disrupts, wholly or partly, the operations of or requires the
13 use of property owned by a port authority, navigation district, or
14 drainage district the district shall:

15 (1) consult with the authority or district, as
16 applicable;

17 (2) consider reasonable changes in the project to
18 mitigate the effects of the project on the operations or property,
19 including changes proposed by the authority or district, as
20 applicable; and

21 (3) consider reasonable changes in the implementation
22 of the project requested by the authority or district, as
23 applicable, to mitigate the effects of the project on the
24 operations or property.

25 SECTION 5. The Gulf Coast Protection District retains all
26 the rights, powers, privileges, authority, duties, and functions
27 that it had before the effective date of this Act.

1 SECTION 6. (a) The legislature validates and confirms all
2 governmental acts and proceedings of the Gulf Coast Protection
3 District that were taken before the effective date of this Act.

4 (b) This section does not apply to any matter that on the
5 effective date of this Act:

6 (1) is involved in litigation if the litigation
7 ultimately results in the matter being held invalid by a final court
8 judgment; or

9 (2) has been held invalid by a final court judgment.

10 SECTION 7. (a) The legal notice of the intention to
11 introduce this Act, setting forth the general substance of this
12 Act, has been published as provided by law, and the notice and a
13 copy of this Act have been furnished to all persons, agencies,
14 officials, or entities to which they are required to be furnished
15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
16 Government Code.

17 (b) The governor, one of the required recipients, has
18 submitted the notice and Act to the Texas Commission on
19 Environmental Quality.

20 (c) The Texas Commission on Environmental Quality has filed
21 its recommendations relating to this Act with the governor, the
22 lieutenant governor, and the speaker of the house of
23 representatives within the required time.

24 (d) All requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect
26 to the notice, introduction, and passage of this Act are fulfilled
27 and accomplished.

1 SECTION 8. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.