

By: Paul

H.B. No. 5409

A BILL TO BE ENTITLED

AN ACT

relating to the board of directors 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 to read as follows:

Sec. 9502.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of 11 directors and such other directors as may be added pursuant to Subsection (b-1).

(b) The commissioners courts of Chambers County, Galveston County, Harris County, Jefferson County, and Orange County each shall appoint one director.

(b-1) The commissioners courts of each county annexed to the district pursuant to Section 9502.0104(b) shall appoint one director.

(c) The governor, with the advice and consent of the senate, shall appoint [~~six~~] directors as follows:

1 (1) two directors to represent Harris County, in
2 addition to the member appointed by the commissioners court under
3 Subsection (b);

4 (2) one director to represent a municipality in the
5 district;

6 (3) one director to represent ports;

7 (4) one director to represent industry; ~~and~~

8 (5) one director to represent environmental
9 concerns~~[-]~~; and

10 (6) one additional director if there is an odd number
11 of directors based on a county being added to the district territory
12 pursuant to Subsection (b-1).

13 (d) In making the appointments required by Subsection (c),
14 the governor shall ensure that residents of a single county do not
15 make up a majority of the directors.

16 (e) The governor shall consult with:

17 (1) the commissioners court of Harris County in making
18 the appointments required by Subsection (c)(1); and

19 (2) municipalities in the district in making the
20 appointment required by Subsection (c)(2).

21 (f) Directors serve staggered four-year terms.

22 (g) When a director's term expires, the appointing entity
23 shall appoint a successor.

24 (h) If a director's office becomes vacant by death,
25 resignation, or removal, the appointing entity shall appoint a
26 director to serve for the remainder of the unexpired term.

27 (i) The board shall elect a presiding officer from among the

1 directors to serve in that position for two years. A director may
2 serve as the presiding officer for not more than two consecutive
3 terms.

4 (j) Notwithstanding Subsection (f), the governor shall
5 designate from the 11 initial directors 5 directors to serve a first
6 term of two years. This subsection expires September 1, 2025.

7 SECTION 3. The Gulf Coast Protection District retains all
8 the rights, powers, privileges, authority, duties, and functions
9 that it had before the effective date of this Act.

10 SECTION 4. (a) The legislature validates and confirms all
11 governmental acts and proceedings of the Gulf Coast Protection
12 District that were taken before the effective date of this Act.

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

15 (1) is involved in litigation if the litigation
16 ultimately results in the matter being held invalid by a final court
17 judgment; or

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

19 SECTION 5. (a) The legal notice of the intention to
20 introduce this Act, setting forth the general substance of this
21 Act, has been published as provided by law, and the notice and a
22 copy of this Act have been furnished to all persons, agencies,
23 officials, or entities to which they are required to be furnished
24 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
25 Government Code.

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

2 (c) The Texas Commission on Environmental Quality has filed
3 its recommendations relating to this Act with the governor, the
4 lieutenant governor, and the speaker of the house of
5 representatives within the required time.

6 (d) All requirements of the constitution and laws of this
7 state and the rules and procedures of the legislature with respect
8 to the notice, introduction, and passage of this Act are fulfilled
9 and accomplished.

10 SECTION 6. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2023.