

By: Puente

H.B. No. 1565

Substitute the following for H.B. No. 1565:

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C.S.H.B. No. 1565

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the governing body and the boundaries of the Bexar
3 Metropolitan Water District.

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

5 SECTION 1. Section 3, Chapter 306, Acts of the 49th
6 Legislature, Regular Session, 1945, is amended to read as follows:

7 Sec. 3. In addition to the powers vested by the Constitution
8 and general laws in such public agency for the greatest practicable
9 measure of the conservation, preservation, and beneficial
10 utilization of its public waters, the power to control and utilize
11 its public waters and to regulate the disposal and the disposal of
12 sewage, waste, and refuse, the District shall have the following
13 general powers:

14 (a) Through every practical and legal means to
15 develop, transport, deliver, distribute, store, and treat water for
16 use within the District, including the storm and flood waters
17 within the District, including the power to cooperate with the
18 United States Government or any agency thereof, or any
19 municipality, public, quasi-public or private agency and to
20 contract, negotiate, and enter into agreements with any one or more
21 of such agencies in effecting such purposes;

22 (b) ~~[to store, control, and conserve storm and flood~~
23 ~~waters of its rivers and streams and to prevent the escape of any~~
24 ~~such waters without first obtaining therefrom a maximum of public~~

1 ~~service, to prevent devastation of property from overflow and to~~
2 ~~protect life and property from uncontrolled flood and storm waters;~~

3 ~~(c)~~ to conserve and distribute waters essential for
4 domestic and other uses by the inhabitants of the District,
5 including necessary water supply for cities and towns situated
6 within the District;

7 (c) ~~[(d)] to provide for the development of drainage~~
8 ~~systems to control, regulate, and dispose of all storm and flood~~
9 ~~waters of the District so as to protect effectively lives and~~
10 ~~property, and to utilize such waters for each and every purpose for~~
11 ~~which flood and storm waters when controlled, conserved, or~~
12 ~~regulated may be utilized as contemplated by the Constitution and~~
13 ~~the public policy therein declared;~~

14 ~~(e)~~ to provide by purchase, construction, lease,
15 gift, or in any other manner and to operate any and all facilities
16 deemed by the District essential for preserving the purity of all
17 the surface and underground waters of the District for the
18 protection of the health of its inhabitants, and to formulate plans
19 to make and enforce rules and regulations for the effective
20 disposal of any and all sewage wastes, refuse, or residuum, however
21 accumulated; which otherwise would contaminate, pollute, or render
22 unsafe and insanitary the surface and underground waters of the
23 District and which might threaten or impair the health of its
24 inhabitants or which might adversely affect the health of the
25 inhabitants downstream below the District;

26 (d) ~~[(f)]~~ to acquire by purchase, construction,
27 lease, gift, or in any other manner (otherwise than by

1 condemnation) and to maintain, use, and operate any and all
2 property of any kind, real, personal, or mixed, or any interest
3 therein within or without the boundaries of the District deemed by
4 its Board of Directors necessary or convenient to the exercise of
5 the powers, rights, privileges, and functions conferred upon it by
6 this Act;

7 (e) [~~(g)~~] to acquire by condemnation any and all
8 property of any kind, real, personal, or mixed, or any interest
9 therein, within or outside of the boundaries of the District,
10 necessary to the exercise of the powers, rights, privileges, and
11 functions conferred by this Act, in the manner provided by General
12 Law relative to condemnation, or at the option of the District, in
13 the manner provided by law with respect to condemnation by agencies
14 organized pursuant to Section 59, Article 16 of the Constitution of
15 the State of Texas; provided that the District shall not have the
16 right or power to so condemn any such property that may be owned by
17 any other political subdivision, city, or town located within the
18 District;

19 (f) [~~(h)~~] to cooperate, contract, and enter into
20 agreements with towns, cities, districts, or political
21 subdivisions located in or outside of the District and with Bexar
22 County, in the construction, purchase, lease, maintenance,
23 improvement, use, and operation of any and all facilities, works,
24 and plants necessary or convenient to the accomplishment of the
25 purposes for which the District was created;

26 (g) [~~(i)~~] to make contracts with any person, private
27 corporation, municipal corporation, political subdivision, or the

1 Board of Trustees thereof, operating water distribution facilities
2 for the benefit of a city or town within the District, under which
3 the District may perform services for such parties or such parties
4 may perform services for the District, or under which either may
5 operate all or any part of the facilities of the other, having due
6 regard for the duties and obligations of such parties in the
7 instrument prescribing their or its duties;

8 (h) [~~(j)~~] to construct, extend, improve, maintain,
9 and reconstruct, to cause to be constructed, extended, improved,
10 maintained, or reconstructed and to use and operate any and all
11 facilities of any kind necessary or convenient to the exercise of
12 the powers, rights, privileges, and functions conferred by this
13 Act;

14 (i) [~~(k)~~] to sue and be sued in its corporate name;

15 (j) [~~(l)~~] to make by-laws for the management and
16 regulation of its affairs conformably to the powers and purposes
17 herein conferred and consistent with the Constitution of this
18 State;

19 (k) [~~(m)~~] to make rules and regulations and to
20 prescribe penalties for the breach of any rule or regulation of the
21 District, which penalties shall not exceed fines of more than Two
22 Hundred Dollars (\$200), or imprisonment for more than thirty (30)
23 days, or may provide both such fine and such imprisonment. The
24 penalties hereby authorized shall be in addition to any other
25 penalties provided by the laws of Texas and may be enforced by
26 complaints filed in the appropriate court of jurisdiction in the
27 county in which the district's principal office is located;

1 provided, however, that no rule or regulation which provides a
2 penalty for the violation thereof shall be in effect, as to
3 enforcement of the penalty, until five days next after the district
4 may have caused a substantive statement of the particular rule or
5 regulation and the penalty for the violation thereof to be
6 published, once a week for two consecutive weeks, in one or more
7 newspapers affording general circulation in the area in which the
8 property of the district is situated; and, the substantive
9 statement so to be published shall be as condensed as is possible to
10 afford an intelligent direction of the mind to the object sought to
11 be accomplished or the act forbidden by the rule or regulation; one
12 notice may embrace any number of regulations; there must be
13 embraced in the notice advice that breach of the particular
14 regulation, or regulations, will subject the violator to the
15 infliction of a penalty and there also shall be included in the
16 notice advice that the full text of the regulation sought to be
17 enforced is on file in the principal office of the District, where
18 the same may be read by any interested person. Five (5) days after
19 the second publication of the notice hereby required, the
20 advertised regulation shall be in effect, and ignorance of any such
21 regulation shall not constitute a defense to a prosecution for the
22 enforcement of a penalty; and, the rules and regulations authorized
23 hereby, after the required publication, shall judicially be known
24 to the courts and shall be considered of a nature like unto that of
25 valid penal ordinances of a city of the State;

26 (l) [~~(n)~~] to adopt, use, and alter a corporate seal;

27 (m) [~~(o)~~] to appoint agents and employees; prescribe

1 their duties and fix their compensation;

2 (n) [~~(p)~~] to make contracts and execute instruments
3 necessary or convenient to the exercise of the powers, rights,
4 privileges, and functions herein conferred;

5 (o) [~~(q)~~] to borrow money for its authorized purposes,
6 to accept grants or loans or allotments from the United States
7 Government or any of its agencies, or others, and in connection with
8 any such grants, loans, or allotments to enter into such agreements
9 as may be required to make them effective, and for the purpose of
10 obtaining funds to issue its negotiable tax bonds and its
11 negotiable revenue bonds in the manner and to the extent
12 hereinafter provided;

13 (p) [~~(r)~~] to operate and maintain with consent of the
14 governing body of any city, town, or political subdivision located
15 in the District any works, plants, or facilities deemed necessary
16 or convenient to the accomplishment of the purposes for which the
17 District is created;

18 (q) [~~(s)~~] to enter into planning agreements with the
19 Texas Water Development Board under Subchapter C, Chapter 16, Water
20 Code, for the purpose of conducting studies necessary to maintain
21 retail water supply services to customers within the boundaries of
22 the District; and

23 (r) [~~(t)~~] to cooperate with and support local fire
24 departments and economic development activities sponsored by local
25 entities within the District that use water and water resources
26 provided, or to be provided, by the District.

27 SECTION 2. Section 5A, Chapter 306, Acts of the 49th

1 Legislature, Regular Session, 1945, is amended by adding Subsection
2 (c) to read as follows:

3 (c) The District's boundaries for the purpose of conducting
4 an election are coextensive with the boundaries of Bexar County.

5 SECTION 3. Chapter 306, Acts of the 49th Legislature,
6 Regular Session, 1945, is amended by adding Section 7A and amending
7 Section 9 to read as follows:

8 Sec. 7A. The District is governed by the Commissioners
9 Court of Bexar County serving ex officio as the board of directors
10 of the district.

11 Sec. 9. The Board of Directors from time to time shall be
12 authorized to make or cause to be made surveys and engineering
13 investigations for the information of the District to facilitate
14 the accomplishment of the purposes for which the District is
15 created, as expressed in the provisions of this Act; and may employ
16 engineers, attorneys and all other technical and non-technical
17 employees or assistants and fix and provide the amount and manner of
18 their compensation, and may provide for payment of expenditures
19 deemed essential to the proper maintenance and administration of
20 the District. Notwithstanding Section 49.060, Water Code, a member
21 [The members] of the Board of Directors is not entitled to receive
22 fees of office [shall receive a per diem of not more than Ten
23 Dollars (\$10) per day, for the time actually expended on business of
24 the District, together with traveling and other necessary expenses,
25 provided that such per diem fee shall not be paid to a Director for
26 more than one hundred (100) days in any one year].

27 SECTION 4. Section 8, Chapter 306, Acts of the 49th

1 Legislature, Regular Session, 1945, is repealed.

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

9 (b) The governor, one of the required recipients, has
10 submitted the notice and Act to the Texas Commission on
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor, the
14 lieutenant governor, and the speaker of the house of
15 representatives within the required time.

16 (d) All requirements of the constitution and laws of this
17 state and the rules and procedures of the legislature with respect
18 to the notice, introduction, and passage of this Act are fulfilled
19 and accomplished.

20 SECTION 6. This Act takes effect September 1, 2007.