

By: Flores

H.B. No. 3438

Substitute the following for H.B. No. 3438:

By: Puente

C.S.H.B. No. 3438

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Rio Grande Regional Water Authority and the establishment of a member conference.

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

SECTION 1. Section 1.01, Chapter 385, Acts of the 78th Legislature, Regular Session, 2003, is amended by adding Subdivisions (4-a) and (6) through (8) to read as follows:

(4-a) "Conference" means the conference under Section 1A.01 of this Act.

(6) "Municipal class entity" means one of the following entities that is located in the authority:

(A) a municipality;

(B) a municipal utility district operating under Chapter 54, Water Code; or

(C) a special utility district operating under Chapter 65, Water Code.

(7) "Water supply corporation" means a nonprofit water supply corporation operating under Chapter 67, Water Code.

(8) "Watermaster" means the watermaster appointed by the commission under Subchapter G, Chapter 11, Water Code, for the segment of the Rio Grande basin inside the boundaries of the authority.

SECTION 2. Chapter 385, Acts of the 78th Legislature, Regular Session, 2003, is amended by adding Article IA to read as

1 follows:

2 ARTICLE IA. CONFERENCE

3 Sec. 1A.01. CONFERENCE MEMBERSHIP. (a) Subject to  
4 Subsection (b) of this section, each county, municipal class  
5 entity, water supply corporation, and irrigation district or other  
6 water district in the authority is a member of the conference.

7 (b) The board may determine whether a prospective member is  
8 qualified to become a member of the conference.

9 Sec. 1A.02. ADVISORY COMMITTEE. The board may appoint an  
10 advisory committee composed of representatives of the conference  
11 members to advise the board in administering this Act.

12 Sec. 1A.03. IRRIGATION DISTRICTS COMMITTEE. (a) The  
13 irrigation districts that are members of the conference shall  
14 convene as a committee to prepare a list of nominees for director  
15 positions under Section 2.01(b)(1) of this Act at least 60 days  
16 before directors' terms are scheduled to expire or whenever a  
17 vacancy occurs in those positions. The committee shall provide the  
18 list to the governor not later than the 21st day after the date on  
19 which the committee convenes.

20 (b) The irrigation district conference members may select a  
21 presiding officer to conduct committee meetings and represent the  
22 entire committee.

23 SECTION 3. Section 2.01, Chapter 385, Acts of the 78th  
24 Legislature, Regular Session, 2003, is amended by amending  
25 Subsections (a), (b), (c), and (f) and adding Subsections (c-1),  
26 (h), and (i) to read as follows:

27 (a) The board consists of 18 [~~15~~] directors.

1 (b) Twelve [~~Nine~~] directors are appointed by the governor,  
2 with the advice and consent of the senate, as follows:

3 (1) nine [~~six~~] directors who represent irrigation  
4 districts that are members of the conference from a list of nominees  
5 submitted by the committee of irrigation districts convened under  
6 Section 1A.03 of this Act;

7 (2) one director who represents the public;

8 (3) one director who represents municipal class  
9 entities that are members of the conference [~~water utilities~~]; and

10 (4) one director who represents water supply  
11 corporations that are members of the conference [~~municipalities~~].

12 (c) One director is appointed from each of the six counties  
13 in the authority by majority vote of the commissioners court of that  
14 county. In January of a year in which a director's term expires,  
15 the commissioners court of the appropriate county shall appoint a  
16 director for a four-year [~~two-year~~] term beginning February 1 of  
17 that year. In addition to meeting the requirements of Subsection  
18 (c-1) of this section, if applicable, a [A] director appointed as  
19 provided by this subsection must:

20 (1) be a registered voter;

21 (2) reside in the county from which the director is  
22 appointed; and

23 (3) work in a water-related field or have special  
24 knowledge of water issues [~~be certified to the board by the county~~  
25 ~~judge of the county from which the director is appointed~~].

26 (c-1) A director appointed under Subsection (c) of this  
27 section must reside in the most populous municipality in the county

1 from which the director is appointed if the county:

2 (1) does not hold water rights;

3 (2) does not have a certificate of convenience and  
4 necessity to provide water service; and

5 (3) is not a water service provider.

6 (f) Directors [~~Permanent directors~~] appointed under  
7 Subsection (b) or (c) of this section serve staggered four-year  
8 terms. [~~Permanent directors appointed under Subsection (c) of this~~  
9 ~~section serve staggered two-year terms.~~]

10 (h) In making an appointment under Subsection (b)(1) of this  
11 section, the governor may reject one or more of the nominees on a  
12 list submitted by the committee of irrigation districts and  
13 request a new list of different nominees. The second list of  
14 nominees must be submitted to the governor not later than the 14th  
15 day after the date of the governor's request for a new list. If the  
16 governor rejects one or more of the nominees on the second list, the  
17 governor may request a third, final list of nominees, that must be  
18 submitted to the governor not later than the 14th day after the date  
19 of the governor's request for the third list. If the governor  
20 rejects one or more of the nominees on the third list, the governor  
21 may select any person who represents an irrigation district that is  
22 a member of the conference to serve as a director.

23 (i) The watermaster serves as a nonvoting advisor to the  
24 board.

25 SECTION 4. Chapter 385, Acts of the 78th Legislature,  
26 Regular Session, 2003, is amended by adding Section 2.035 to read as  
27 follows:

1       Sec. 2.035. REMOVAL FROM OFFICE. It is a ground for removal  
2 from the board that a director is absent from more than half of the  
3 regularly scheduled board meetings that the director is eligible to  
4 attend during a calendar year without an excuse approved by a  
5 majority vote of the board.

6       SECTION 5. Section 2.06(b), Chapter 385, Acts of the 78th  
7 Legislature, Regular Session, 2003, is amended to read as follows:

8       (b) The president is the chief executive officer of the  
9 authority. The president may not vote at a board meeting except to  
10 break a tie vote.

11       SECTION 6. Section 3.07, Chapter 385, Acts of the 78th  
12 Legislature, Regular Session, 2003, is amended to read as follows:

13       Sec. 3.07. COURT-APPOINTED RECEIVER. The authority may  
14 serve as the court-appointed receiver in a matter determined by a  
15 court concerning the disposition of assets of any political  
16 subdivision, municipally owned utility, or water supply  
17 corporation [~~district authorized by Section 59, Article XVI, Texas~~  
18 ~~Constitution~~].

19       SECTION 7. Chapter 385, Acts of the 78th Legislature,  
20 Regular Session, 2003, is amended by adding Section 3.08 to read as  
21 follows:

22       Sec. 3.08. DETERMINATION OF WATER RIGHTS. (a) Not later  
23 than September 1 of each year, the watermaster shall provide to the  
24 board a list of all water rights held inside the boundaries of the  
25 authority and the authorized use for each right.

26       (b) The board shall timely review and certify each list.

27       (c) Not later than December 1 of each even-numbered year,

1 the board shall provide in writing to the governor and to each  
2 member of the legislature whose legislative district is located  
3 wholly or partly inside the boundaries of the authority:

4 (1) the most current list certified by the board under  
5 this section; and

6 (2) a summary of the authorized uses for the water  
7 rights on the most current list, including irrigation, municipal,  
8 and industrial uses.

9 SECTION 8. Chapter 385, Acts of the 78th Legislature,  
10 Regular Session, 2003, is amended by adding Section 4.04 to read as  
11 follows:

12 Sec. 4.04. FEES AND ASSESSMENTS; AUTHORIZED CONTRIBUTIONS.

13 (a) The authority may impose a fee or assessment on a member of the  
14 conference or another water user to pay authorized expenses of the  
15 authority.

16 (b) Each fiscal year, the board shall determine the amount  
17 of the fee or assessment based on the water rights held by the  
18 affected entity.

19 (c) To determine the number of water rights, the board:

20 (1) shall, for a domestic, municipal, or industrial  
21 water right, multiply by two the number of water rights certified by  
22 the board under Section 3.08 of this Act; or

23 (2) shall, for any other water right, use the number of  
24 water rights certified by the board under Section 3.08 of this Act.

25 (d) An initial fee or assessment imposed under this section  
26 may not exceed five cents for each water right held by the affected  
27 entity.

1       (e) The board may adopt standardized forms and procedures to  
2 implement this section.

3       (f) The affected entity may charge any fee or assessment  
4 paid to the authority to the operation and maintenance fund of the  
5 entity or raise and pay the fee or assessment in any other  
6 authorized manner.

7       (g) Any county in the authority, as authorized by the  
8 commissioners court of the county, may contribute county money to  
9 support the operations, projects, or other authorized expenses of  
10 the authority. A county's contribution must be made as part of a  
11 contract with the authority, and the contract must make clear how  
12 the contribution serves a public purpose of the county.

13       SECTION 9. On or after the 90th day after the effective date  
14 of this Act, and not later than one year after the effective date of  
15 this Act, the watermaster appointed by the Texas Commission on  
16 Environmental Quality under Subchapter G, Chapter 11, Water Code,  
17 for the segment of the Rio Grande basin inside the boundaries of the  
18 Rio Grande Regional Water Authority shall determine the number of  
19 water rights held by each member of the conference of the Rio Grande  
20 Regional Water Authority.

21       SECTION 10. (a) The terms of the members of the Board of  
22 Directors of the Rio Grande Regional Water Authority serving on the  
23 effective date of this Act expire on the date a majority of the  
24 members required to be appointed under Subsection (c) of this  
25 section qualify to serve.

26       (b) Not later than September 21, 2007, the committee of  
27 irrigation districts shall convene as provided by Section 1A.03,

1 Chapter 385, Acts of the 78th Legislature, Regular Session, 2003,  
2 as added by this Act, and submit to the governor an initial list of  
3 nominees for the director positions under Section 2.01(b)(1) of  
4 that chapter, as amended by this Act.

5 (c) Except as provided by Subsection (d) of this section,  
6 not later than September 30, 2007:

7 (1) the governor shall appoint 12 members of the Board  
8 of Directors of the Rio Grande Regional Water Authority as provided  
9 by Section 2.01(b), Chapter 385, Acts of the 78th Legislature,  
10 Regular Session, 2003, as amended by this Act; and

11 (2) the Commissioners Courts of Cameron, Hidalgo,  
12 Starr, Webb, Willacy, and Zapata Counties shall each appoint a  
13 member of the Board of Directors of the Rio Grande Regional Water  
14 Authority as provided by Section 2.01(c), Chapter 385, Acts of the  
15 78th Legislature, Regular Session, 2003, as amended by this Act.

16 (d) Appointments to the Board of Directors of the Rio Grande  
17 Regional Water Authority under Subsection (c)(1) of this section  
18 required to be made on or before September 30, 2007, are not:

19 (1) required to be made from the list of nominees  
20 submitted by the committee of irrigation districts convened under  
21 Section 1A.03, Chapter 385, Acts of the 78th Legislature, Regular  
22 Session, 2003, as added by this Act; or

23 (2) subject to senate confirmation.

24 (e) At the first meeting of the Board of Directors of the Rio  
25 Grande Regional Water Authority after directors are appointed under  
26 Subsection (c) of this section, the directors shall draw lots to  
27 determine their terms so that nine directors serve terms expiring



1 February 1, 2009, and nine directors serve terms expiring February  
2 1, 2011.

3 SECTION 11. Sections 1.07, 2.01(d), and 3.03, Chapter 385,  
4 Acts of the 78th Legislature, Regular Session, 2003, are repealed.

5 SECTION 12. This Act takes effect September 1, 2007.