

By: Flores

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

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

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

19 (1) nine [~~six~~] directors, from a list of nominees
20 submitted by the conference, who represent irrigation districts
21 that are members of the conference;

22 (2) one director who represents the public;

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

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

27 (c) One director is appointed from each of the six counties

1 in the authority by majority vote of the commissioners court of that
2 county. In January of a year in which a director's term expires,
3 the commissioners court of the appropriate county shall appoint a
4 director for a four-year [~~two-year~~] term beginning February 1 of
5 that year. In addition to meeting the requirements of Subsection
6 (c-1) of this section, if applicable, a [A] director appointed as
7 provided by this subsection must:

8 (1) be a registered voter;

9 (2) reside in the county from which the director is
10 appointed; and

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

14 (c-1) A director appointed under Subsection (c) of this
15 section must reside in the most populous municipality in the county
16 from which the director is appointed if the county:

17 (1) does not hold water rights;

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

20 (3) is not a water service provider.

21 (f) Directors [~~Permanent directors~~] appointed under
22 Subsection (b) or (c) of this section serve staggered four-year
23 terms. [~~Permanent directors appointed under Subsection (c) of this~~
24 ~~section serve staggered two-year terms.~~]

25 (h) In making an appointment under Subsection (b)(1) of this
26 section, the governor may reject one or more of the nominees on a
27 list submitted by the conference and request a new list of different

1 nominees.

2 (i) The watermaster serves as a nonvoting advisor to the
3 board.

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

7 Sec. 2.035. REMOVAL FROM OFFICE. It is a ground for removal
8 from the board that a director is absent from more than half of the
9 regularly scheduled board meetings that the director is eligible to
10 attend during a calendar year without an excuse approved by a
11 majority vote of the board.

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

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

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

19 Sec. 3.07. COURT-APPOINTED RECEIVER. The authority may
20 serve as the court-appointed receiver in a matter determined by a
21 court concerning the disposition of assets of any political
22 subdivision, municipally owned utility, or water supply
23 corporation [~~district authorized by Section 59, Article XVI, Texas~~
24 ~~Constitution~~].

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

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

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

6 (c) Not later than December 1 of each even-numbered year,
7 the board shall provide in writing to the governor and to each
8 member of the legislature whose legislative district is located
9 wholly or partly inside the boundaries of the authority:

10 (1) the most current list certified by the board under
11 this section; and

12 (2) a summary of the authorized uses for the water
13 rights on the most current list, including irrigation, municipal,
14 and industrial uses.

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

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

19 (a) The authority may impose a fee or assessment on a member of the
20 conference or another water user to pay authorized expenses of the
21 authority.

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

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

26 (1) shall, for a domestic, municipal, or industrial
27 water right, multiply by two the number of water rights certified by

1 the board under Section 3.08 of this Act; or

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

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

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

9 (f) The affected entity may charge any fee or assessment
10 paid to the authority to the operation and maintenance fund of the
11 entity or raise and pay the fee or assessment in any other
12 authorized manner.

13 (g) Any county in the authority, as authorized by the
14 commissioners court of the county, may contribute county money to
15 support the operations, projects, or other authorized expenses of
16 the authority. A county's contribution must be made as part of a
17 contract with the authority, and the contract must make clear how
18 the contribution serves a public purpose of the county.

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

27 SECTION 10. (a) The terms of the members of the Board of

1 Directors of the Rio Grande Regional Water Authority serving on the
2 effective date of this Act expire on the date a majority of the
3 members required to be appointed under Subsection (b) of this
4 section qualify to serve.

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

19 (1) required to be made from a list of nominees
20 submitted by the conference of the authority; or

21 (2) subject to senate confirmation.

22 (d) At the first meeting of the Board of Directors of the Rio
23 Grande Regional Water Authority after directors are appointed under
24 Subsection (b) of this section, the directors shall draw lots to
25 determine their terms so that nine directors serve terms expiring
26 February 1, 2009, and nine directors serve terms expiring February
27 1, 2011.

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

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