

By: Bonnen

H.B. No. 3621

A BILL TO BE ENTITLED

AN ACT

relating to the Gulf Coast Water Authority.

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

SECTION 1. Section 3, Chapter 712, Acts of the 59th Legislature, Regular Session, 1965, is amended to read as follows:

Sec. 3. Except as expressly limited by this Act, the District shall have and exercise and is hereby vested with all rights, powers, privileges, and authority conferred by the General Laws of this State now in force or hereafter enacted applicable to municipal utility districts created under authority of Section 59 of Article XVI, Constitution of Texas including without limitation those conferred by Chapter 54, Water Code, as amended, but to the extent that the provisions of such General Laws may be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such General Laws are hereby adopted and incorporated by reference with the same effect as if incorporated in full in this Act. Without in any way limiting the generalization of the foregoing, it is expressly provided that the District shall have, and is hereby authorized to exercise, the following rights, powers, privileges and functions:

(a) the power to make, construct, or otherwise acquire improvements either within or without the boundaries thereof necessary to carry out the powers and authority granted by this Act and said General Laws, except that the District may not ~~and to~~

1 exercise the power of eminent domain for such purposes and [~~+~~  
2 ~~provided, however, that the District~~] shall not have the power of  
3 eminent domain as to all or any part of the water supply, property,  
4 works or facilities of any private person or persons, or of any  
5 private or public corporation or association engaged in the  
6 business of supplying water in Galveston County, Texas, to any  
7 class of consumers for any use upon the effective date of this Act [~~+~~  
8 ~~but this provision shall not restrict the power of the District to~~  
9 ~~acquire necessary crossing easements and rights-of-way~~];

10 (b) to conserve, store, transport, treat and purify,  
11 distribute, sell and deliver water, both surface and underground,  
12 to persons, corporations, both public and private, political  
13 subdivisions of the State and others, and to purchase, construct or  
14 lease all property, works and facilities, both within and without  
15 the District, necessary or useful for such purposes;

16 (c) to acquire water supplies from sources both within or  
17 without the boundaries of the District and to sell, transport and  
18 deliver water to customers situated within or without the District  
19 and to acquire all properties and facilities necessary or useful  
20 for such purposes, and for any or all of such purposes to enter into  
21 contracts with persons, corporations, both public and private, and  
22 political subdivisions of the State for such periods of time and on  
23 such terms and conditions as the Board of Directors may deem  
24 desirable;

25 (d) subject to the provisions of this Act, to sell, lease,  
26 or exchange any property of any kind, or any interest therein, which  
27 is not necessary to the carrying on of the business of the District

1 or the sale, lease, or exchange of which, in the judgment of the  
2 Board of Directors, is necessary for the exercise of the powers,  
3 rights, privileges, and functions conferred upon the District by  
4 this Act or by Chapter 54, Water Code, as amended;

5 (e) subject to the provisions of this Act, to acquire by  
6 purchase, lease, gift, or otherwise, and to maintain, use, and  
7 operate any and all property of any kind, or any interest therein,  
8 within or without the boundaries of the District, necessary to the  
9 exercise of the powers, rights, privileges, and functions conferred  
10 by this Act or by Chapter 54, Water Code, as amended;

11 (f) to construct, extend, improve, maintain, and  
12 reconstruct, to cause to be constructed, extended, improved,  
13 maintained, and reconstructed, and to use and operate, any and all  
14 facilities of any kind necessary to the exercise of such powers,  
15 rights, privileges, and functions;

16 (g) to sue and be sued in its corporate name;

17 (h) to adopt, use, and alter a corporate seal;

18 (i) to invest and reinvest its funds;

19 (j) to make bylaws for management and regulation of its  
20 affairs;

21 (k) to appoint officers, agents, and employees, to  
22 prescribe their duties and fix their compensation;

23 (l) to make contracts and to execute instruments necessary  
24 to the exercise of the powers, rights, privileges, and functions  
25 conferred by this Act or Chapter 54, Water Code, as amended, for  
26 such term and with such provisions as the Board of Directors may  
27 determine to be in the best interests of the District, including,

1 without in any way limiting the generality of the foregoing,  
2 contracts with persons including the State of Texas, the United  
3 States of America and any corporation or agency thereof and  
4 districts, cities, towns, persons, organizations, firms,  
5 corporations or other entities as the Board of Directors may deem  
6 necessary or proper for or in connection with any of its corporate  
7 purposes;

8 (m) to borrow money for its corporate purposes and, without  
9 limiting the generality of the foregoing, to borrow money and  
10 accept grants from persons, including the State of Texas, the  
11 United States of America, or from any corporation, agency, or  
12 entity created or designated by the State of Texas or the United  
13 States of America, and in connection with any such loan or grant, to  
14 enter into such agreements as the State of Texas, the United States  
15 of America, or any such corporation, agency, or entity may require;  
16 and to make and issue its negotiable bonds or notes for money  
17 borrowed, in the manner and to the extent provided in this Act, and  
18 to refund or refinance any outstanding bonds or notes and to make  
19 and issue its negotiable bonds or notes therefor in the manner  
20 provided in this Act.

21 SECTION 2. Sections 5 and 5(a), Chapter 712, Acts of the  
22 59th Legislature, Regular Session, 1965, are amended to read as  
23 follows:

24 Sec. 5. The management and control of the District is hereby  
25 vested in a Board of nine [~~seven (7)~~] directors. The seven  
26 directors appointed by the Commissioners Court of Galveston County  
27 shall represent the geographic and ethnic diversity of the county.

1 Vacancies on the Board of Directors, whether by death, resignation  
2 or termination of the term of office, shall be filled by appointment  
3 by the commissioners court that appointed the director  
4 [~~Commissioners Court of Galveston County~~]. All terms of office  
5 shall be for a period of two (2) years. Terms shall be staggered [~~so~~  
6 ~~that the terms of three (3) directors expire one year and the terms~~  
7 ~~of four (4) directors expire the next year~~]. Three (3) of the  
8 members appointed by the Commissioners Court of Galveston County  
9 shall be registered professional engineers under the laws of Texas.

10       Sec. 5(a). One (1) director of the District shall be  
11 appointed by the Commissioners Court of Galveston County upon the  
12 recommendation of the City Council of the City of Galveston. Six of  
13 the remaining [~~The remaining six (6)~~] directors shall be appointed  
14 by the Commissioners Court of Galveston County with two directors  
15 appointed at-large and the remaining four of those directors  
16 appointed on the written recommendation of advisory committees  
17 appointed by the Board of Directors of the Gulf Coast Water  
18 Authority. Two of those directors shall be recommended by the  
19 Mainland Municipal Advisory Committee and two of those directors  
20 shall be recommended by the Industrial Advisory Committee. The  
21 Commissioners Court of Galveston County is entitled to accept or  
22 reject the recommendations made to the court by the advisory  
23 committees. If a recommendation made by an advisory committee is  
24 rejected, the advisory committee shall submit additional  
25 recommendations to the court.

26       The Industrial Advisory Committee is composed of one  
27 representative of each industrial customer of the Gulf Coast Water

1 Authority. The Mainland Municipal Advisory Committee is composed  
2 of one representative of each municipal or water district customer  
3 of the Gulf Coast Water Authority that contracts for ~~[uses]~~ not less  
4 than 2 million gallons of water a day. The names of the  
5 representatives of each of the committees shall be submitted to the  
6 Board of Directors of the Gulf Coast Water Authority by the  
7 respective industrial and municipal or water district customers.  
8 The directors of the Gulf Coast Water Authority shall submit the  
9 names of the advisory committee members to the Commissioners Court  
10 of Galveston County, which shall record the names in the minutes of  
11 the court.

12 One director shall be appointed by the Commissioners Court of  
13 Fort Bend County to represent District customers in that county.  
14 The director must be recommended by one or more of those customers  
15 and reside in that county.

16 One director shall be appointed by the Commissioners Court of  
17 Brazoria County to represent District customers in that county.  
18 The director must be recommended by one or more of those customers  
19 and reside in that county.

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

27 (b) The governor has submitted the notice and Act to the

1 Texas Commission on Environmental Quality.

2 (c) The Texas Commission on Environmental Quality has filed  
3 its recommendations relating to this Act with the governor,  
4 lieutenant governor, and speaker of the house of representatives  
5 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 4. This Act takes effect September 1, 2011.