

AN ACT

relating to the powers and duties of the Gulf Coast Waste Disposal Authority.

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

SECTION 1. Section 1.01, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

Sec. 1.01. PURPOSE. The purpose of this Act is to establish an instrumentality for developing and effectuating for Chambers, Galveston, and Harris Counties a regional water quality management program including provision of waste disposal and water systems and regulation of disposal of wastes.

SECTION 2. Section 1.03(a), Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended by adding Subdivision (23) to read as follows:

(23) "Water system" means a system of pipelines, conduits, canals, pumping stations, force mains, plants, storage, or other facilities used for the treatment, collection, or distribution of water.

SECTION 3. Section 3.01(e), Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

(e) Subject only to the authority vested by general law, and particularly Chapters 11, 13, and [~~Chapter~~] 26, Water Code, in the commission, the authority is empowered to provide water systems and to control water pollution and waste disposal within the district.

1 SECTION 4. The heading to Section 3.14, Chapter 409, Acts of  
2 the 61st Legislature, Regular Session, 1969, is amended to read as  
3 follows:

4 Sec. 3.14. ACQUISITION, CONSTRUCTION, AND OPERATION OF  
5 WATER OR DISPOSAL SYSTEMS.

6 SECTION 5. Section 3.14, Chapter 409, Acts of the 61st  
7 Legislature, Regular Session, 1969, is amended by amending  
8 Subsection (a) and adding Subsection (c) to read as follows:

9 (a) The authority:

10 (1) may acquire and provide by purchase, gift or lease  
11 any water or disposal systems within or outside the district;

12 (2) may construct and provide water or disposal  
13 systems within or outside the district;

14 (3) may operate and sell any water or disposal systems  
15 that it constructs or acquires;

16 (4) may contract with any person to operate and  
17 maintain, within or outside the district, any water or disposal  
18 system belonging to the person; and

19 (5) may contract with any person to train or supervise  
20 employees of a water or disposal system within or outside the  
21 district.

22 (c) In taking an action under this section, the authority  
23 shall comply with the requirements of Section 3.16A.

24 SECTION 6. Section 3.16, Chapter 409, Acts of the 61st  
25 Legislature, Regular Session, 1969, is amended to read as follows:

26 Sec. 3.16. SALE OF WATER AND BY-PRODUCTS. The authority may  
27 store and sell water that it collects under Section 3.14 or 3.15 of

1 this Act, and may furnish water of a specified quality. It also may  
2 store and sell any by-product from its operations.

3 SECTION 7. Chapter 409, Acts of the 61st Legislature,  
4 Regular Session, 1969, is amended by adding Section 3.16A to read as  
5 follows:

6 Sec. 3.16A. LIMITATION ON SERVICE AREA. The authority must  
7 obtain the consent of the director of public works of the City of  
8 Houston for the acquisition, construction, or operation of a water  
9 system that distributes raw or treated water within Austin,  
10 Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty,  
11 Montgomery, or Waller County, other than a water system that  
12 distributes effluent, reclaimed water, reuse water, or treated  
13 wastewater produced from a waste treatment facility.

14 SECTION 8. Section 3.23(1), Chapter 409, Acts of the 61st  
15 Legislature, Regular Session, 1969, is amended to read as follows:

16 (1) Subject to Section 3.16A:

17 (i) The authority and all persons are authorized to  
18 enter into contracts with respect to any waste and any waste  
19 disposal or treatment facilities, water system facilities, and any  
20 other facilities described in this Subsection (1) or any other part  
21 of this Act, and the authority is authorized to execute all  
22 appropriate documents and instruments in connection therewith; and  
23 the authority is authorized to issue bonds with respect to any of  
24 its powers, including those powers granted in this Subsection (1),  
25 and also for the purpose of providing or funding any debt service  
26 reserve fund or other special reserve, contingency, or other fund  
27 in connection with bonds, and/or also for the purpose of providing

1 funds to operate any facilities for a period not to exceed three  
2 years after completion and to maintain any facilities, and/or to  
3 provide funds to pay interest on bonds during such period as is  
4 determined by the authority; and

5 (ii) The authority may exercise the powers, duties,  
6 and authority defined in the Regional Waste Disposal Act (Chapter  
7 30, Vernon's Texas Water Code), and all of the provisions of the  
8 Regional Waste Disposal Act, as it now exists and as it hereafter  
9 may be amended, are applicable to the authority, except to the  
10 extent of any conflict with this Act, in which case this Act shall  
11 prevail over the provisions of the Regional Waste Disposal Act; and  
12 the authority may exercise the same rights, powers, and authority  
13 with respect to the control, storage, preservation, transmission,  
14 treatment, and disposition of water and water systems that it may  
15 exercise under this section with regard to waste, waste disposal  
16 systems, and treatment facilities; and

17 (iii) All persons are authorized to contract with the  
18 authority in any manner authorized by this Act or the Regional Waste  
19 Disposal Act with respect to any facilities described in this  
20 Subsection (1) or any other part of this Act; provided that any  
21 public agency or local government additionally is authorized to  
22 enter into and execute any such contract with the authority and to  
23 determine, agree, and pledge that all or any part of its payments  
24 under such contract shall be payable from the source described in  
25 Subsection (c) of Section 30.030 of the Regional Waste Disposal  
26 Act, subject only to the authorization of such contract, pledge,  
27 and payments by a majority vote of the governing body of such public

1 agency or local government. All public agencies and local  
2 governments also are authorized to use and pledge any other  
3 available revenues or resources whatsoever for and to the payment  
4 of amounts due under such contracts as an additional source or  
5 sources of payment thereof or as the sole source or sources of  
6 payment thereof and may covenant with respect thereto so as to  
7 assure the availability thereof when required; and

8 (iv) All public agencies and local governments are  
9 authorized to fix, charge, and collect fees, rates, charges,  
10 rentals, and other amounts for any services or facilities provided  
11 pursuant to or in connection with any contract with the authority  
12 from its inhabitants or from any users or beneficiaries of such  
13 services or facilities, including specifically water charges,  
14 sewage charges, solid waste disposal system fees and charges  
15 (including garbage collection or handling fees), and other fees and  
16 charges and to use and pledge same to make payments to the authority  
17 required under the contract and may covenant to do so in amounts  
18 sufficient to make all or any part of such payments to the authority  
19 when due; and

20 (v) This Subsection (1) shall be wholly sufficient  
21 authority within itself for the issuance of the bonds, subject to  
22 Subchapter 5 of this Act, the execution of the contracts, and the  
23 performance of the other acts and procedures authorized herein by  
24 the authority and all persons, including specifically public  
25 agencies, without reference to any other provisions of law or any  
26 restrictions or limitations contained therein, except as herein  
27 specifically provided; and in any case, to the extent of any

1 conflict or inconsistency between any provisions of this subsection  
2 and any other provision of law (including any home-rule city  
3 charter provisions), this subsection shall prevail and control;  
4 provided, however, that the authority and all persons, including  
5 specifically public agencies, shall have the right to use any other  
6 provisions of law not in conflict with the provisions of this  
7 subsection to the extent convenient or necessary to carry out any  
8 power or authority, express or implied, granted by this subsection.

9           (vi) The authority is expressly made subject to the  
10 continuing supervision of the state by and through the commission  
11 or its successor and Chapter 50, Water Code.

12           SECTION 9. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2013.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3871 was passed by the House on May 8, 2013, by the following vote: Yeas 147, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3871 on May 24, 2013, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3871 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor