

By: Smith

H.B. No. 3871

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the powers and duties of the Gulf Coast Waste Disposal  
3 Authority.

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

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

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

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

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

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

21 (e) Subject only to the authority vested by general law, and  
22 particularly Chapter 26, Water Code, in the commission, the  
23 authority is empowered to provide water systems and to control  
24 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(a), Chapter 409, Acts of the 61st  
7 Legislature, Regular Session, 1969, is amended to read as follows:

8 (a) The authority:

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

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

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

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

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

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

23 Sec. 3.16. SALE OF WATER AND BY-PRODUCTS. The authority may  
24 store and sell water that it collects under Section 3.14 or 3.15 of  
25 this Act, and may furnish water of a specified quality. It also may  
26 store and sell any by-product from its operations.

27 SECTION 7. Section 3.23(1), Chapter 409, Acts of the 61st

1 Legislature, Regular Session, 1969, is amended to read as follows:

2           (1)(i) The authority and all persons are authorized to enter  
3 into contracts with respect to any waste and any waste disposal or  
4 treatment facilities, water system facilities, and any other  
5 facilities described in this Subsection (1) or any other part of  
6 this Act, and the authority is authorized to execute all  
7 appropriate documents and instruments in connection therewith; and  
8 the authority is authorized to issue bonds with respect to any of  
9 its powers, including those powers granted in this Subsection (1),  
10 and also for the purpose of providing or funding any debt service  
11 reserve fund or other special reserve, contingency, or other fund  
12 in connection with bonds, and/or also for the purpose of providing  
13 funds to operate any facilities for a period not to exceed three  
14 years after completion and to maintain any facilities, and/or to  
15 provide funds to pay interest on bonds during such period as is  
16 determined by the authority; and

17           (ii) The authority may exercise the powers, duties,  
18 and authority defined in the Regional Waste Disposal Act (Chapter  
19 30, Vernon's Texas Water Code), and all of the provisions of the  
20 Regional Waste Disposal Act, as it now exists and as it hereafter  
21 may be amended, are applicable to the authority, except to the  
22 extent of any conflict with this Act, in which case this Act shall  
23 prevail over the provisions of the Regional Waste Disposal Act; and  
24 the authority may exercise the same rights, powers, and authority  
25 with respect to the control, storage, preservation, transmission,  
26 treatment, and disposition of water and water systems that it may  
27 exercise under this section with regard to waste, waste disposal

1 systems, and treatment facilities; and

2           (iii) All persons are authorized to contract with the  
3 authority in any manner authorized by this Act or the Regional Waste  
4 Disposal Act with respect to any facilities described in this  
5 Subsection (1) or any other part of this Act; provided that any  
6 public agency or local government additionally is authorized to  
7 enter into and execute any such contract with the authority and to  
8 determine, agree, and pledge that all or any part of its payments  
9 under such contract shall be payable from the source described in  
10 Subsection (c) of Section 30.030 of the Regional Waste Disposal  
11 Act, subject only to the authorization of such contract, pledge,  
12 and payments by a majority vote of the governing body of such public  
13 agency or local government. All public agencies and local  
14 governments also are authorized to use and pledge any other  
15 available revenues or resources whatsoever for and to the payment  
16 of amounts due under such contracts as an additional source or  
17 sources of payment thereof or as the sole source or sources of  
18 payment thereof and may covenant with respect thereto so as to  
19 assure the availability thereof when required; and

20           (iv) All public agencies and local governments are  
21 authorized to fix, charge, and collect fees, rates, charges,  
22 rentals, and other amounts for any services or facilities provided  
23 pursuant to or in connection with any contract with the authority  
24 from its inhabitants or from any users or beneficiaries of such  
25 services or facilities, including specifically water charges,  
26 sewage charges, solid waste disposal system fees and charges  
27 (including garbage collection or handling fees), and other fees and

1 charges and to use and pledge same to make payments to the authority  
2 required under the contract and may covenant to do so in amounts  
3 sufficient to make all or any part of such payments to the authority  
4 when due; and

5           (v) This Subsection (1) shall be wholly sufficient  
6 authority within itself for the issuance of the bonds, subject to  
7 Subchapter 5 of this Act, the execution of the contracts, and the  
8 performance of the other acts and procedures authorized herein by  
9 the authority and all persons, including specifically public  
10 agencies, without reference to any other provisions of law or any  
11 restrictions or limitations contained therein, except as herein  
12 specifically provided; and in any case, to the extent of any  
13 conflict or inconsistency between any provisions of this subsection  
14 and any other provision of law (including any home-rule city  
15 charter provisions), this subsection shall prevail and control;  
16 provided, however, that the authority and all persons, including  
17 specifically public agencies, shall have the right to use any other  
18 provisions of law not in conflict with the provisions of this  
19 subsection to the extent convenient or necessary to carry out any  
20 power or authority, express or implied, granted by this subsection.

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

24           SECTION 8. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2013.