

1-1 By: Smith (Senate Sponsor - Ellis) H.B. No. 3871
 1-2 (In the Senate - Received from the House May 9, 2013;
 1-3 May 9, 2013, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 16, 2013, reported adversely,
 1-5 with favorable Committee Substitute by the following vote: Yeas 5,
 1-6 Nays 0; May 16, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 3871 By: Garcia

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the powers and duties of the Gulf Coast Waste Disposal
 1-18 Authority.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 1.01, Chapter 409, Acts of the 61st
 1-21 Legislature, Regular Session, 1969, is amended to read as follows:

1-22 Sec. 1.01. PURPOSE. The purpose of this Act is to establish
 1-23 an instrumentality for developing and effectuating for Chambers,
 1-24 Galveston, and Harris Counties a regional water quality management
 1-25 program including provision of waste disposal and water systems and
 1-26 regulation of disposal of wastes.

1-27 SECTION 2. Section 1.03(a), Chapter 409, Acts of the 61st
 1-28 Legislature, Regular Session, 1969, is amended by adding
 1-29 Subdivision (23) to read as follows:

1-30 (23) "Water system" means a system of pipelines,
 1-31 conduits, canals, pumping stations, force mains, plants, storage,
 1-32 or other facilities used for the treatment, collection, or
 1-33 distribution of water.

1-34 SECTION 3. Section 3.01(e), Chapter 409, Acts of the 61st
 1-35 Legislature, Regular Session, 1969, is amended to read as follows:

1-36 (e) Subject only to the authority vested by general law, and
 1-37 particularly Chapters 11, 13, and [Chapter] 26, Water Code, in the
 1-38 commission, the authority is empowered to provide water systems and
 1-39 to control water pollution and waste disposal within the district.

1-40 SECTION 4. The heading to Section 3.14, Chapter 409, Acts of
 1-41 the 61st Legislature, Regular Session, 1969, is amended to read as
 1-42 follows:

1-43 Sec. 3.14. ACQUISITION, CONSTRUCTION, AND OPERATION OF
 1-44 WATER OR DISPOSAL SYSTEMS.

1-45 SECTION 5. Section 3.14, Chapter 409, Acts of the 61st
 1-46 Legislature, Regular Session, 1969, is amended by amending
 1-47 Subsection (a) and adding Subsection (c) to read as follows:

1-48 (a) The authority:

1-49 (1) may acquire and provide by purchase, gift or lease
 1-50 any water or disposal systems within or outside the district;

1-51 (2) may construct and provide water or disposal
 1-52 systems within or outside the district;

1-53 (3) may operate and sell any water or disposal systems
 1-54 that it constructs or acquires;

1-55 (4) may contract with any person to operate and
 1-56 maintain, within or outside the district, any water or disposal
 1-57 system belonging to the person; and

1-58 (5) may contract with any person to train or supervise
 1-59 employees of a water or disposal system within or outside the
 1-60 district.

2-1 (c) In taking an action under this section, the authority
2-2 shall comply with the requirements of Section 3.16A.

2-3 SECTION 6. Section 3.16, Chapter 409, Acts of the 61st
2-4 Legislature, Regular Session, 1969, is amended to read as follows:

2-5 Sec. 3.16. SALE OF WATER AND BY-PRODUCTS. The authority may
2-6 store and sell water that it collects under Section 3.14 or 3.15 of
2-7 this Act, and may furnish water of a specified quality. It also may
2-8 store and sell any by-product from its operations.

2-9 SECTION 7. Chapter 409, Acts of the 61st Legislature,
2-10 Regular Session, 1969, is amended by adding Section 3.16A to read as
2-11 follows:

2-12 Sec. 3.16A. LIMITATION ON SERVICE AREA. The authority must
2-13 obtain the consent of the director of public works of the City of
2-14 Houston for the acquisition, construction, or operation of a water
2-15 system that distributes raw or treated water within Austin,
2-16 Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty,
2-17 Montgomery, or Waller County, other than a water system that
2-18 distributes effluent, reclaimed water, reuse water, or treated
2-19 wastewater produced from a waste treatment facility.

2-20 SECTION 8. Section 3.23(1), Chapter 409, Acts of the 61st
2-21 Legislature, Regular Session, 1969, is amended to read as follows:

2-22 (1) Subject to Section 3.16A:

2-23 (i) The authority and all persons are authorized to
2-24 enter into contracts with respect to any waste and any waste
2-25 disposal or treatment facilities, water system facilities, and any
2-26 other facilities described in this Subsection (1) or any other part
2-27 of this Act, and the authority is authorized to execute all
2-28 appropriate documents and instruments in connection therewith; and
2-29 the authority is authorized to issue bonds with respect to any of
2-30 its powers, including those powers granted in this Subsection (1),
2-31 and also for the purpose of providing or funding any debt service
2-32 reserve fund or other special reserve, contingency, or other fund
2-33 in connection with bonds, and/or also for the purpose of providing
2-34 funds to operate any facilities for a period not to exceed three
2-35 years after completion and to maintain any facilities, and/or to
2-36 provide funds to pay interest on bonds during such period as is
2-37 determined by the authority; and

2-38 (ii) The authority may exercise the powers, duties,
2-39 and authority defined in the Regional Waste Disposal Act (Chapter
2-40 30, Vernon's Texas Water Code), and all of the provisions of the
2-41 Regional Waste Disposal Act, as it now exists and as it hereafter
2-42 may be amended, are applicable to the authority, except to the
2-43 extent of any conflict with this Act, in which case this Act shall
2-44 prevail over the provisions of the Regional Waste Disposal Act; and
2-45 the authority may exercise the same rights, powers, and authority
2-46 with respect to the control, storage, preservation, transmission,
2-47 treatment, and disposition of water and water systems that it may
2-48 exercise under this section with regard to waste, waste disposal
2-49 systems, and treatment facilities; and

2-50 (iii) All persons are authorized to contract with the
2-51 authority in any manner authorized by this Act or the Regional Waste
2-52 Disposal Act with respect to any facilities described in this
2-53 Subsection (1) or any other part of this Act; provided that any
2-54 public agency or local government additionally is authorized to
2-55 enter into and execute any such contract with the authority and to
2-56 determine, agree, and pledge that all or any part of its payments
2-57 under such contract shall be payable from the source described in
2-58 Subsection (c) of Section 30.030 of the Regional Waste Disposal
2-59 Act, subject only to the authorization of such contract, pledge,
2-60 and payments by a majority vote of the governing body of such public
2-61 agency or local government. All public agencies and local
2-62 governments also are authorized to use and pledge any other
2-63 available revenues or resources whatsoever for and to the payment
2-64 of amounts due under such contracts as an additional source or
2-65 sources of payment thereof or as the sole source or sources of
2-66 payment thereof and may covenant with respect thereto so as to
2-67 assure the availability thereof when required; and

2-68 (iv) All public agencies and local governments are
2-69 authorized to fix, charge, and collect fees, rates, charges,

3-1 rentals, and other amounts for any services or facilities provided
3-2 pursuant to or in connection with any contract with the authority
3-3 from its inhabitants or from any users or beneficiaries of such
3-4 services or facilities, including specifically water charges,
3-5 sewage charges, solid waste disposal system fees and charges
3-6 (including garbage collection or handling fees), and other fees and
3-7 charges and to use and pledge same to make payments to the authority
3-8 required under the contract and may covenant to do so in amounts
3-9 sufficient to make all or any part of such payments to the authority
3-10 when due; and

3-11 (v) This Subsection (1) shall be wholly sufficient
3-12 authority within itself for the issuance of the bonds, subject to
3-13 Subchapter 5 of this Act, the execution of the contracts, and the
3-14 performance of the other acts and procedures authorized herein by
3-15 the authority and all persons, including specifically public
3-16 agencies, without reference to any other provisions of law or any
3-17 restrictions or limitations contained therein, except as herein
3-18 specifically provided; and in any case, to the extent of any
3-19 conflict or inconsistency between any provisions of this subsection
3-20 and any other provision of law (including any home-rule city
3-21 charter provisions), this subsection shall prevail and control;
3-22 provided, however, that the authority and all persons, including
3-23 specifically public agencies, shall have the right to use any other
3-24 provisions of law not in conflict with the provisions of this
3-25 subsection to the extent convenient or necessary to carry out any
3-26 power or authority, express or implied, granted by this subsection.

3-27 (vi) The authority is expressly made subject to the
3-28 continuing supervision of the state by and through the commission
3-29 or its successor and Chapter 50, Water Code.

3-30 SECTION 9. This Act takes effect immediately if it receives
3-31 a vote of two-thirds of all the members elected to each house, as
3-32 provided by Section 39, Article III, Texas Constitution. If this
3-33 Act does not receive the vote necessary for immediate effect, this
3-34 Act takes effect September 1, 2013.

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