

By: Taylor of Galveston, et al.

S.B. No. 2265

A BILL TO BE ENTITLED

AN ACT

relating to the Gulf Coast Waste Disposal Authority and expanding the territory and powers of the authority; authorizing fees and the issuance of bonds.

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:

(1) establish an instrumentality for developing and effectuating for the upper Gulf Coast region in this state [~~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; and

(2) establish an instrumentality for operating and maintaining a coastal barrier constructed with federal funds to protect the upper Gulf Coast region in this state from hurricane-induced storm surges.

SECTION 2. Section 1.02, Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

Sec. 1.02. FINDINGS AND DECLARATION OF POLICY. The legislature finds [~~It is hereby found and declared~~] that:

(1) the quality of waters in the upper Gulf Coast region in this state [~~Chambers, Galveston, and Harris Counties~~] is materially affected by the disposal of wastes [~~throughout those~~

1 ~~counties~~];

2 (2) ~~[that]~~ regional approaches to studying water
3 pollution in that region ~~[these counties]~~, ~~[to]~~ planning corrective
4 and preventive measures, ~~[to]~~ providing coordinated facilities for
5 waste disposal, and ~~[to]~~ regulating waste disposal would be far
6 more effective than efforts on a county-wide, city-wide, or smaller
7 scale;

8 (3) ~~[that]~~ solid wastes, as well as other kinds of
9 waste, may impair water quality by seepage, drainage, and
10 otherwise;

11 (4) ~~[that]~~ creation of the Gulf Coast Waste Disposal
12 Authority would advance the established policy of the state to
13 maintain the quality of the waters in the state consistent with the
14 public health and public enjoyment thereof, the propagation and
15 protection of terrestrial and aquatic life, the operation of
16 existing industries, and the economic development of the state;

17 (5) ~~[and that]~~ impending shortage of water in the
18 district for beneficial uses requires that all reasonable measures
19 be taken to prevent and abate water pollution, and to reclaim
20 polluted water for beneficial uses; and

21 (6) the territory in the upper Gulf Coast region in
22 this state is vulnerable to damage from hurricane-induced storm
23 surges and that granting the Gulf Coast Waste Disposal Authority
24 the power to operate and maintain a coastal barrier constructed
25 with federal funds would advance the public purpose of protecting
26 the upper Gulf Coast region in this state from hurricane-induced
27 storm surges.

1 SECTION 3. Section 1.03(a), Chapter 409, Acts of the 61st
2 Legislature, Regular Session, 1969, is amended by adding
3 Subdivision (24) to read as follows:

4 (24) "Coastal spine" means a coastal barrier to
5 protect the upper Gulf Coast region in this state from
6 hurricane-induced storm surges.

7 SECTION 4. Section 2.02, Chapter 409, Acts of the 61st
8 Legislature, Regular Session, 1969, is amended to read as follows:

9 Sec. 2.02. DESCRIPTION. (a) Except as provided by
10 Subsection (b) of this section, the [The] authority's territory
11 consists of [the area inside the boundaries of] Chambers,
12 Galveston, and Harris Counties.

13 (b) On the date the authority adopts a resolution under
14 Section 3A.01 of this Act stating that the requirements of that
15 section have been met, the authority's territory consists of
16 Brazoria, Chambers, Galveston, Harris, Jefferson, and Orange
17 Counties.

18 (c) The Legislature declares that all the area included in
19 the authority's territory [district] will be benefited by the
20 exercise of the powers conferred by this Act.

21 SECTION 5. Section 2.03, Chapter 409, Acts of the 61st
22 Legislature, Regular Session, 1969, is amended by amending
23 Subsections (b) and (e) and adding Subsections (f), (g), and (h) to
24 read as follows:

25 (b) Except as provided by Subsection (g) of this section,
26 the [The] board consists of nine voting directors.

27 (e) The [From each county within the district, the]

1 municipalities waste disposal councils [~~council~~] of Chambers,
2 Galveston, and Harris Counties each [~~that county, hereinafter~~
3 ~~created,~~] shall appoint one director.

4 (f) The board may appoint one or more persons to the board to
5 serve as nonvoting directors for any term.

6 (g) On the date the authority adopts a resolution under
7 Section 3A.01 of this Act stating that the requirements of that
8 section have been met, the board consists of 18 voting directors.

9 (h) If the board consists of 18 voting directors, as
10 provided by Subsection (g) of this section, in addition to
11 appointments made under Subsections (c), (d), and (e) of this
12 section, the appointment councils of Brazoria, Jefferson, and
13 Orange Counties each shall appoint one voting director.

14 SECTION 6. Section 2.05, Chapter 409, Acts of the 61st
15 Legislature, Regular Session, 1969, is amended by amending
16 Subsections (a) and (c) and adding Subsections (a-1), (a-2), (c-1),
17 (c-2), and (g) to read as follows:

18 (a) A director's term of office shall be two years,
19 commencing September 1 of the year in which the director is
20 appointed [~~of his appointment, except that four directors of the~~
21 ~~first board shall have one-year terms, in order to obtain staggered~~
22 ~~terms. When the directors have been appointed, they shall draw lots~~
23 ~~to determine which have one-year terms)].~~

24 (a-1) If the board has nine voting directors, as provided by
25 Section 2.03(b) of this Act, the directors' terms must be staggered
26 so that the terms of not more than five directors expire in a single
27 year.

1 (a-2) If the board has 18 voting directors, as provided by
2 Section 2.03(g) of this Act, the directors' terms must be staggered
3 so that the terms of not more than 10 directors expire in a single
4 year.

5 (c) There are [~~hereby~~] created:

6 (1) the Municipalities Waste Disposal Council of
7 Chambers County, [~~which shall be~~] composed of the mayors of each and
8 all of the incorporated cities and towns the city hall of which is
9 situated within Chambers County;

10 (2) the Municipalities Waste Disposal Council of
11 Galveston County, [~~which shall be~~] composed of the mayors of each
12 and all of the incorporated cities and towns the city hall of which
13 is situated within Galveston County; and

14 (3) the Municipalities Waste Disposal Council of
15 Harris County, [~~which shall be~~] composed of the mayors of each and
16 all of the incorporated cities and towns the city hall of which is
17 situated within Harris County.

18 (c-1) On the date the authority adopts a resolution under
19 Section 3A.01 of this Act stating that the requirements of that
20 section have been met, there are created:

21 (1) the Appointment Council of Brazoria County,
22 composed of the mayors of the municipalities in Brazoria County;

23 (2) the Appointment Council of Jefferson County,
24 composed of the mayors of the municipalities in Jefferson County;
25 and

26 (3) the Appointment Council of Orange County, composed
27 of the mayors of the municipalities in Orange County.

1 (c-2) The sole function of the [~~these~~] councils created
2 under Subsections (c) and (c-1) of this section is [~~shall be~~] the
3 selection of directors. Each [~~The temporary chairman of each~~
4 ~~council shall be the mayor of the county seat. Promptly after this~~
5 ~~Act becomes effective, each municipalities waste disposal council~~
6 ~~shall meet at a time and place designated by its temporary chairman~~
7 ~~after notice of the time and place of that meeting has been mailed~~
8 ~~by the temporary chairman to each member of the council at least 48~~
9 ~~hours prior to the time fixed for the meeting. At that meeting,~~
10 ~~the~~] council shall elect a chairman, vice-chairman, and secretary,
11 and shall adopt such bylaws relating to the conduct of its affairs
12 as the council shall determine to be necessary.

13 (g) Subsection (f) of this section governs the appointment
14 of directors by appointment councils created under Subsection (c-1)
15 of this section in the same way that Subsection (f) of this section
16 governs appointments by municipal waste disposal councils.

17 SECTION 7. Subchapter 2, Chapter 409, Acts of the 61st
18 Legislature, Regular Session, 1969, is amended by adding Section
19 2.17 to read as follows:

20 Sec. 2.17. ADVISORY BOARD. (a) The Coastal Spine Advisory
21 Board shall advise the authority board during the construction of a
22 coastal spine that is to be operated and maintained by the authority
23 on matters related to the operation and maintenance of the coastal
24 spine.

25 (b) The advisory board is not required to be appointed or to
26 meet unless the authority has adopted a resolution under Section
27 3A.01 of this Act stating that the requirements of that section have

1 been met.

2 (c) The advisory board is composed of seven members as
3 follows:

4 (1) one member appointed by the governor;

5 (2) one member appointed by the lieutenant governor;

6 (3) one member appointed by the speaker of the house of
7 representatives;

8 (4) one member appointed by the Texas Commission on
9 Environmental Quality;

10 (5) one member appointed by the Parks and Wildlife
11 Commission;

12 (6) the commissioner of the General Land Office, or
13 the commissioner's designee; and

14 (7) one member of the authority board chosen by the
15 authority board.

16 (d) The advisory board is not authorized to act on behalf of
17 the authority without the approval of the authority board.

18 (e) The advisory board shall:

19 (1) select from among its members a presiding officer;

20 and

21 (2) adopt provisions to determine the terms of board
22 members and stagger the members' terms and other provisions
23 necessary to administer the board.

24 (f) An advisory board member is not entitled to
25 reimbursement of expenses or to compensation.

26 (g) The advisory board may appoint one or more persons to
27 the advisory board to serve as nonvoting members.

1 (h) If the authority board determines that construction of a
2 coastal spine is complete:

3 (1) the advisory board is abolished as of the date the
4 authority board makes the determination; and

5 (2) the authority board shall notify each appointing
6 person and entity named in Subsection (c) of this section that the
7 advisory board is abolished.

8 SECTION 8. Chapter 409, Acts of the 61st Legislature,
9 Regular Session, 1969, is amended by adding Subchapter 3A to read as
10 follows:

11 SUBCHAPTER 3A. COASTAL SPINE

12 Sec. 3A.01. COASTAL SPINE CONTINGENT ON FEDERAL FUNDING AND
13 FINDING OF SUFFICIENT REVENUE. The authority may not begin to
14 operate or maintain a coastal spine, exercise a power granted to the
15 authority under this subchapter, or otherwise exercise a power
16 granted to the authority by this Act in support of the operation or
17 maintenance of a coastal spine unless:

18 (1) the federal government approves money for the
19 construction of a coastal spine in this state;

20 (2) the authority determines that the authority's
21 revenue sources, or projected revenue sources, authorized for use
22 for the operation and maintenance of a coastal spine under Section
23 3A.03 of this Act are sufficient to cover the cost of operating and
24 maintaining a coastal spine; and

25 (3) the authority adopts a resolution stating that the
26 requirements of Subdivisions (1) and (2) of this section have been
27 met and submits a copy of the resolution to the legislature.

1 Sec. 3A.02. GENERAL POWERS AND DUTIES. (a) The authority
2 is authorized to operate and maintain a coastal spine in the manner
3 provided by this subchapter.

4 (b) The authority may exercise a power granted to the
5 authority by Subchapter 3 of this Act to support the operation and
6 maintenance of a coastal spine.

7 (c) A duty assigned to the authority under Subchapter 3 of
8 this Act that relates to the authority's duty to develop and
9 effectuate a regional water quality management program does not
10 apply to the operation or maintenance of a coastal spine by the
11 authority unless otherwise provided by this subchapter.

12 (d) A coastal spine may be operated and maintained inside or
13 outside the territory of the authority.

14 (e) The authority may convey material and rights produced or
15 acquired during the operation or maintenance of a coastal spine,
16 including spoil, dredged material, and development rights.

17 (f) The authority may:

18 (1) apply for a permit for an activity related to the
19 operation or maintenance of a coastal spine; and

20 (2) seek other necessary approvals for the operation
21 or maintenance of a coastal spine from a state or federal agency.

22 Sec. 3A.03. USE OF FUNDS FOR COASTAL SPINE. The authority
23 may operate and maintain a coastal spine using money available to
24 the authority, including tax revenue, only if the money is not
25 related to the authority's waste disposal, pollution control,
26 wastewater treatment, water reuse, water systems, or solid waste
27 operations.

1 Sec. 3A.04. MASTER PLAN. (a) In addition to the master
2 plan developed under Section 3.10 of this Act, the authority shall
3 develop, prepare, and revise, as needed, a master plan for the
4 operation and maintenance of a coastal spine.

5 (b) The authority shall submit the first master plan and any
6 revised versions of the master plan to the General Land Office
7 before implementing the plan. The General Land Office may approve
8 or disapprove a plan submitted under this section. If the General
9 Land Office does not issue a decision on a plan submitted under this
10 section before the 31st day after the date the General Land Office
11 receives the plan, the plan is considered to be approved.

12 Sec. 3A.05. ACQUISITION. The authority may:

13 (1) purchase, lease, acquire by gift, maintain, use,
14 and operate facilities and systems related to the operation or
15 maintenance of a coastal spine; and

16 (2) acquire permits, licenses, and rights related to
17 the operation or maintenance of a coastal spine.

18 Sec. 3A.06. CONTRACTS. (a) The authority may make
19 contracts and execute instruments that are necessary or convenient
20 to the exercise of its powers, rights, duties, and functions under
21 this subchapter. The authority is authorized to execute all
22 appropriate documents and instruments in connection with the
23 contracts.

24 (b) The authority may enter into contracts for a purpose
25 related to the operation or maintenance of a coastal spine in the
26 manner that a municipal management district may enter into
27 contracts under Chapter 375, Local Government Code, as amended.

1 (c) The authority and all persons are authorized to enter
2 into contracts with respect to the operation or maintenance of a
3 coastal spine.

4 (d) A public agency or local government is authorized to:

5 (1) enter into a contract with the authority;

6 (2) determine, agree, and pledge that all or any part
7 of its payments under a contract with the authority shall be payable
8 from any source, subject only to the authorization by a majority
9 vote of the governing body of such public agency or local government
10 of the contract, pledge, and payments;

11 (3) use and pledge any available revenues or resources
12 for and to the payment of amounts due under a contract with the
13 authority as an additional source of payment or as the sole source
14 of payment and agree with the authority to assure the availability
15 of revenue and resources when required; and

16 (4) fix, charge, and collect impact fees and utility
17 charges, if the public agency or local government is otherwise
18 authorized to impose the fees and charges, and to use and pledge
19 revenue from the fees or charges to make payments to the authority
20 required under a contract with the authority.

21 (e) The authority and another governmental entity may enter
22 into a contract for the operation or maintenance of a coastal spine
23 in the same way that a political subdivision may contract with
24 another governmental entity under Chapter 472, Transportation
25 Code, to construct or maintain a road or highway.

26 (f) Notwithstanding Section 3.23(a) of this Act, a contract
27 related to the operation or maintenance of a coastal spine may be

1 for any term if the contract is approved by the General Land Office.

2 Sec. 3A.07. AGREEMENTS. (a) The authority may enter into
3 a cooperative agreement with a political subdivision, state agency,
4 or federal agency for a purpose related to the operation or
5 maintenance of a coastal spine.

6 (b) The authority may enter into an interlocal agreement
7 with a political subdivision for a purpose related to the operation
8 or maintenance of a coastal spine.

9 Sec. 3A.08. DEVELOPMENT CORPORATION POWERS. (a) The
10 authority may act as a unit, as defined by Section 501.002, Local
11 Government Code, to create a development corporation for a purpose
12 related to the operation or maintenance of a coastal spine.

13 (b) This section does not authorize the authority to impose
14 a sales tax.

15 Sec. 3A.09. LOCAL GOVERNMENT CORPORATION POWERS. (a) The
16 board by resolution may authorize the creation of a nonprofit
17 corporation to assist and act for the authority in operating or
18 maintaining a coastal spine.

19 (b) The nonprofit corporation:

20 (1) has each power of and is considered to be a local
21 government corporation created under Subchapter D, Chapter 431,
22 Transportation Code, as amended, including for the purposes of
23 Section 431.105, Transportation Code; and

24 (2) may implement a project related to the operation
25 or maintenance of a coastal spine.

26 (c) The board shall appoint the board of directors of the
27 nonprofit corporation. The board of directors of the nonprofit

1 corporation shall serve in the same manner as the board of directors
2 of a local government corporation created under Subchapter D,
3 Chapter 431, Transportation Code, as amended.

4 SECTION 9. Section 5.01(a), Chapter 409, Acts of the 61st
5 Legislature, Regular Session, 1969, is amended to read as follows:

6 (a) For the purpose of carrying out any power or authority
7 conferred by this Act, including the expense of preparing the
8 master plan and the payment of engineering and other expenses in
9 connection therewith, the authority is empowered to issue its bonds
10 in three general classes:

11 (1) bonds secured by ad valorem taxes;

12 (2) bonds secured by a pledge of all or part of the
13 revenues accruing to the authority, including ~~[without limitation]~~
14 those received from:

15 (A) sale of water or other products;

16 (B) ~~[]~~ rendition of service;

17 (C) ~~[]~~ tolls;

18 (D) ~~[]~~ charges;

19 (E) a contract entered into with a city or other
20 governmental agency, authority, or district related to the
21 operation or maintenance of a coastal spine;~~[]~~ and

22 (F) ~~[from]~~ all other sources other than ad
23 valorem taxes; and

24 (3) bonds secured by a combination pledge of all or
25 part of the revenues described in Subdivision (2) of this
26 subsection~~[]~~ and taxes.

27 SECTION 10. Subchapter 5, Chapter 409, Acts of the 61st

1 Legislature, Regular Session, 1969, is amended by adding Section
2 5.10 to read as follows:

3 Sec. 5.10. CATASTROPHE BONDS. A corporation created by the
4 authority under Section 3A.08 or 3A.09 of this Act may issue a
5 security with a condition that the corporation's obligation to pay
6 interest or repay the principal is deferred or forgiven if the
7 corporation suffers a loss from a particular predefined
8 catastrophe.

9 SECTION 11. If the territory of the Gulf Coast Waste
10 Disposal Authority is expanded, the initial directors from
11 Brazoria, Jefferson, and Orange Counties under Sections 2.03 and
12 2.05, Chapter 409, Acts of the 61st Legislature, Regular Session,
13 1969, as amended by this Act, shall draw lots to determine which
14 director or directors will serve one-year terms and which will
15 serve two-year terms to fulfill the staggered terms requirement of
16 Section 2.05, Chapter 409, Acts of the 61st Legislature, Regular
17 Session, 1969, as amended by this Act.

18 SECTION 12. If the territory of the Gulf Coast Waste
19 Disposal Authority is expanded, the temporary chairman of each
20 appointment council created under Section 2.05(c-1), Chapter 409,
21 Acts of the 61st Legislature, Regular Session, 1969, as added by
22 this Act, for Brazoria, Jefferson, and Orange Counties shall be the
23 mayor of the county seat for that county. Promptly after the date
24 the councils are created, each council shall meet at a time and
25 place designated by the temporary chairman to elect a chairman,
26 vice-chairman, and secretary and adopt bylaws relating to the
27 conduct of council affairs.

1 SECTION 13. (a) The legal notice of the intention to
2 introduce this Act, setting forth the general substance of this
3 Act, has been published as provided by law, and the notice and a
4 copy of this Act have been furnished to all persons, agencies,
5 officials, or entities to which they are required to be furnished
6 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
7 Government Code.

8 (b) The governor, one of the required recipients, has
9 submitted the notice and Act to the Texas Commission on
10 Environmental Quality.

11 (c) The Texas Commission on Environmental Quality has filed
12 its recommendations relating to this Act with the governor,
13 lieutenant governor, and speaker of the house of representatives
14 within the required time.

15 (d) All requirements of the constitution and laws of this
16 state and the rules and procedures of the legislature with respect
17 to the notice, introduction, and passage of this Act have been
18 fulfilled and accomplished.

19 SECTION 14. This Act takes effect immediately if it
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas Constitution.
22 If this Act does not receive the vote necessary for immediate
23 effect, this Act takes effect September 1, 2017.